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Volume 4, Number 1, January 2, 1979

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# TEXAS REGISTER

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Office of the Secretary of State

USPS Publication Number 120090

# NOTES ON THE ISSUE

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State agencies must pay the late charge on overdue electric utility service bills, the Attorney General's Opinion Committee has ruled. The opinion was made at the request of the House Committee on Ways and Means to settle a dispute between state offices and electric utility companies across the state that impose late fees. The dispute centered on a constitutional argument that spending public funds is prohibited unless the state receives benefits. In making its decision, the Opinion Committee considered court cases involving federal agencies and agencies in other states. In another opinion, the committee ruled on the authority of a nurse practitioner to perform services under indirect supervision by a physician. Included in the opinion was the committee's decision that state law "expressly does not permit a nurse to prescribe therapeutic measures." The request for the opinion by the Senate Committee on Human Resources was prompted by enactment of the federal Rural Health Clinic Services Act. The act allows Medicare and Medicaid reimbursement for services of physicians' assistants and nurse practitioners operating under indirect physician supervision. Summaries of the opinions are published in the Attorney General section.

The Texas Department of Health has adopted a grading system for licensed nursing and custodial care homes. The system was authorized by the 65th Legislature to recognize homes or institutions that go beyond the department's minimum level of services and personnel. As an incentive to attain a superior ranking, the rules allow nursing and custodial care homes which have met the requirements to advertise the superior grade. Tables outlining how both demerit and bonus points are given appear in the Adopted Rules section.

*Cover illustration represents Elisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol.*

*Artwork Gary Thornton*

## TEXAS REGISTER

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## Appointments

### Central Colorado River Authority

To the Board of Directors for six-year terms to expire January 1, 1985:

Ralph M. Edens  
Box 217  
Talpa, Texas 76882

Louis Pittard  
Route 2, Box 35  
Gouldbusk, Texas 76845

Bill D. Sneed  
1114 Colorado Street  
Coleman, Texas 76834

These appointees are being reappointed.

### Texas Industrial Commission

For six-year terms to expire February 15, 1983:

Jim S. Sale  
5607 Ursula  
Dallas, Texas 75229

Representing the general public, Mr. Sale is replacing Andrew B. "Stormy" Shelton of Abilene, Taylor County, whose term expired.

Ray Clymer  
2514 Beefeater  
Wichita Falls, Texas 76308

Representing employers of labor, Mr. Clymer is replacing John B. Turner, Jr., of Houston, Harris County, whose term expired.

### Pan American University

To the Board of Regents for a six-year term to expire August 31, 1983:

William R. Parker, Jr.  
27 Willowron Street  
Houston, Texas 77024

Mr. Parker is being reappointed.

### University System of South Texas

To the Board of Directors for a six-year term to expire August 31, 1983:

J. Michael Mahaffey  
P.O. Box 2446  
Corpus Christi, Texas 78403

Mr. Mahaffey is replacing George Fred Rhodes of Port Lavaca, Calhoun County, whose term expired.

### Upper Guadalupe River Authority

For six-year terms to expire November 1, 1984:

Guy Cade Jackson, Jr.  
P.O. Box 1365  
Kerrville, Texas 78028

Harry Schwethelm  
Star Route, Box 656  
Kerrville, Texas 78028

These appointees are being reappointed.

Issued in Austin, Texas, on December 20, 1978.

Doc. No. 788372 & Dolph Briscoe  
788395 Governor of Texas

For further information, please call (512) 475-4571.

## Opinions

### Summary of Opinion H-1288

Request from Marion E. Williams, Jr., county attorney, Bee County, Beeville, concerning the authority of the county to pay a CETA prime contractor when it is subsequently discovered that the activities for which reimbursement were made were unauthorized.

**Summary of Opinion:** Article 3, Section 52, of the Texas Constitution does not bar payment by a county of a valid contract claim. Whether the county auditor or county commissioners could be held personally liable for misappropriated CETA funds would depend on the resolution of certain factual issues.

Doc. No. 788361

### Summary of Opinion H-1289

Request from Joe Wyatt, Jr., chairman, House Committee on Ways and Means, Austin, concerning whether the State of Texas is subject to the provision in the City of Austin's electric rate ordinance which provides for a five percent penalty on electric bills paid late.

**Summary of Opinion:** A five percent late charge on bills for electric utility service is neither interest nor penalty but merely a cost of doing business assessed against a delinquent consumer, so long as there is a reasonable relation between the amount of the charge and the costs it purports to recoup. Absent a contrary showing, the State of Texas is not prohibited, either by the Texas Constitution or by any statute, from paying the charge, and it is required to do so if the applicable city rate schedule so provides.

Doc. No. 788362

### Summary of Opinion H-1290

Request from John J. Kavanagh, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, Austin, concerning the deposit and use of funds received for genetic counseling services.

**Summary of Opinion:** The Denton State School is authorized to deposit funds received for genetic counseling services, pursuant to Section 2.25 of Article 5547-202, Vernon's Texas Civil Statutes, in a local depository.

Doc. No. 788363

### Summary of Opinion H-1291

Request from George N. Rodriguez, Jr., county attorney, El Paso County, El Paso, concerning whether disabled veteran's license plates authorize a driver to park for an unlimited amount of time at a parking meter.

**Summary of Opinion:** Disabled veterans and other individuals who qualify under Article 6675a-5e.1 may obtain a special symbol to attach to their automobiles which will permit them to park at a meter without payment of the fee and without regard to the amount of time designated for parking there. However, a disabled veteran's license plate alone does not exempt an automobile from parking requirements which limit the amount of time at which an individual may park at a meter.

Doc. No. 788364

### Summary of Opinion H-1292

Request from Robert E. Stewart, commissioner, Department of Banking, Austin, concerning whether financial institutions, including banks, may participate on a fee basis in a cash-dispensing machine network operated by a corporate vendor without violating branch banking prohibitions.

**Summary of Opinion:** On the basis of the facts presented, a bank may participate on a fee basis in a cash-dispensing machine network operated by a corporate vendor without violating the constitutional prohibition against branch banking and without the corporate vendor's thereby being deemed a bank.

Doc. No. 788365

### Summary of Opinion H-1293

Request from Max C. Butler, president, Texas State Board of Medical Examiners, Austin, concerning what services a midwife or nurse midwife may perform.

**Summary of Opinion:** The Court of Criminal Appeals has held that midwifery is not the practice of medicine. If it can be shown that performing and repairing an episiotomy or suturing lacerations are services generally performed in connection with normal childbirth, then a midwife may legally perform such services. A midwife may possess and administer statutorily regulated drugs as the agent of a licensed physician. Midwives may not diagnose a disease or obstetrical complication. Registered nurses who are nurse midwives or certified nurse midwives have authority under Article 4518, Section 5, to perform the services inquired about.

Doc. No. 788366

### Summary of Opinion H-1294

Request from Maurice S. Pipkin, executive director, State Commission on Judicial Conduct, Austin, concerning the authority of municipal judges and justices of peace to change moving traffic violation to nonmoving violation.

**Summary of Opinion:** A justice of the peace or municipal court judge has no authority or power to change a complaint charging a moving violation to a nonmoving violation, and such judgment on an offense not charged would be void.

Doc. No. 788367

## Summary of Opinion H-1295

Request from Chet Brooks, chairman, Senate Committee on Human Resources, Austin, concerning the authority of a nurse practitioner to perform services under indirect physician supervision.

**Summary of Opinion:** Advanced nurse practitioners may take a patient's medical history, examine him, assess health status and identify deviations from normal health, and institute a physician's order for certain simple laboratory tests without the supervising physician being physically present. Whether a nurse may initiate written policies for health care when the physician is not present depends on the particular function covered by the policy. A nurse practitioner may not generally provide medications to patients under standing and/or written orders unless the physician has prescribed for the individual patient.

Doc. No. 788368

## Summary of Opinion H-1296

Request from William A. Meitzen, criminal district attorney, Fort Bend County, Richmond, concerning whether the commissioners court is required to approve a budget submitted by the juvenile board under Article 5142d.

**Summary of Opinion:** The commissioners court is not required to approve a salary or budget recommended by a juvenile board under Article 5142d, Vernon's Texas Civil Statutes.

Issued in Austin, Texas, on December 20, 1978.

Doc. No. 788369      C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

For further information, please call (512) 475-5445.

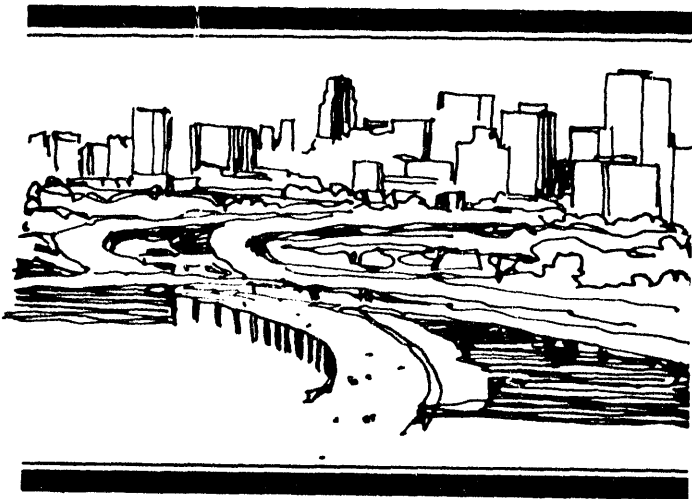
# EMERGENCY RULES

8

An agency may adopt emergency rules after determining what it considers to be an imminent peril to the public health, safety, or welfare. These rules may be effective immediately on filing with the secretary of state for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for the emergency adoption of rules.

**Numbering System**—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

**Symbology**—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.



## Texas Department of Water Resources

### Effluent Standards

#### Domestic Wastewater Treatment Plants 156.18.05

The Texas Water Department Board adopts the following emergency amendments to Rules 156.18.05.001-.004 relating to effluent standards for domestic wastewater treatment plants, to be effective immediately upon filing with the secretary of state for a period of not longer than 120 days. The administrator of the United States Environmental Protection Agency (EPA) has recently amended the definition of secondary treatment to allow for the upward adjustment of suspended solids limitations in those cases where properly designed and operated waste stabilization ponds are used for secondary treatment. The revised change may affect approx-

imately 300 publicly owned treatment works operated by governmental entities in the state, which use waste stabilization ponds for secondary treatment. The Texas Water Development Board, in response to the revised EPA definitions, published proposed amendments to Rules .001-.004 on December 5, 1978, in the *Texas Register* (3 TexReg 4186).

In order to process the approximately 300 expiring waste discharge permits affected, consistent with the revised federal regulations, the Texas Water Development Board has resolved that the adoption of the emergency amendments to Rules .001-.004 on fewer than 30-days notice is necessary.

These amendments are adopted under the authority of Sections 5.131 and 5.132, Texas Water Code.

#### .001. *Introduction and Purpose.*

(a) From the standpoint of proper management of a system of permits and with the onset of federal regulations and standards for municipal effluents, it now appears appropriate to promulgate a set of effluent quality standards which would be consistent with given classes of treatment processes and which would be applied as necessary to meet treatment requirements based on water quality conditions. "Secondary treatment" by a publicly owned treatment plant is being defined by EPA, *with exceptions applicable to certain oxidation pond processes*, as reduction to the following effluent quality:

	30-Day Average	7-Day Average
BOD, mg/l	30	45
Suspended Solids (TSS), mg/l	30	45
pH, units	Within limits of 6.0-9.0	

Furthermore, in this definition, the reduction of BOD and TSS through a treatment plant shall be a minimum of 85 percent. *For oxidation ponds meeting certain conditions, the EPA allows adjustment of suspended solids levels to conform to that achievable with best waste stabilization pond technology. In the EPA Region VI contiguous area, this level is 90 mg/l TSS.*

(b)-(c) (No change.)

#### .002. *Rationale for Effluent Sets.* (No change.)

#### .003. *Instructions.*

(a)-(c) (No change.)

(d) *Oxidation ponds. Use Set X for oxidation ponds that meet the following criteria:*

(1) *oxidation ponds are the sole process used for secondary treatment;*

(2) *the maximum facility design capacity is two million gallons per day or less;*

(3) *operation and maintenance data for existing ponds indicate that the facility achieves the BOD level defined in Rule .001(a) of these rules; or in the case of new ponds, the design is in accordance with such criteria as to assure that the BOD level defined in Rule .001(a) will be achieved;*



(4) operation and maintenance data for existing ponds demonstrate that the facility cannot achieve a 30-day average TSS of 30 mg/l nor a 45-day average TSS of 45 mg/l; and

(5) for existing facilities, the ponds are properly designed and constructed in accordance with design criteria in effect at the time of construction.

Ponds not meeting the above requirements will be governed by Set O.

(e) The practice of utilizing sewage effluent for irrigation purposes is permitted when it can be shown that this practice will not alter the uses of the existing groundwaters or detrimentally affect the surface waters of the State of Texas. Each project will also be consistent with laws regulating water rights in the State of Texas. Project types will fall into three categories: irrigation, infiltration-percolation, or overland flow. The purpose of a project will be to dispose of treated effluent or to further enhance the quality of the effluent prior to discharge or a combination of the two. When land disposal systems will utilize lands to which the public has access for the ultimate disposal of effluent, the effluent applied shall be

treated to a degree equivalent to existing secondary level standards. When agricultural lands are to be irrigated, primary effluent may be utilized consistently with environmental safeguards and the protection of ground and surface water. Primary treatment means solids separation as may be accomplished by primary clarifiers, Imhoff tanks, and other units designed in accordance with all applicable requirements of the most recent design criteria for sewerage systems promulgated by the department.

.004. Table 1, Effluent Standards for Domestic Wastewater Treatment Plants (Attached).

(Editor's note: See table, page 10.)

Issued in Austin, Texas, on December 19, 1978.

Doc. No. 788415      Bruce Bigelow  
    General Counsel  
    Texas Department of Water Resources

Effective Date: December 21, 1978

Expiration Date: April 20, 1979

For further information, please call (512) 475-7836.

Table 1  
Effluent Standards For Domestic Wastewater Treatment Plants

Effluent Set	20 Day Average				Day Average				24 Hr. Composite								Grab Samples							
	BOD	SS	NH <sub>3</sub> -N	P	BOD	SS	NH <sub>3</sub> -N	P	Column I (1)				Column II (2)			O <sub>2</sub>	Cl <sub>2</sub>	L						
Oxygen Demand	30	90			45				70	155	N	P	50	155	N	P	100	155	NH <sub>3</sub>	P	O <sub>2</sub>	Cl <sub>2</sub>	L	
0	30	90			45	45			70	70			50	50			100	100				(3)	(4)	
1	20	20			30	30			45	45			35	35			65	65						
2	10	15			15	25			25	40			20	25			35	60			2			
3	5	10			10	20			20	35			10	20			30	60			4			
4	5	5			10	10			20	20			10	10			30	30			4			
2-N	10	15	5		15	25	10		25	40	15		20	25	15		35	60	15		2			
3-N	5	10	5		10	20	10		20	35	15		10	20	15		30	60	15		4			
4-N	5	5	5		10	10	5		20	20	10		10	10	5		30	30	15		4			
Disinfection	(A) 5																						1	20
Nutrient Removal	3-P	5	10	2	10	20	4		20	35			10	20	4		30	60	10	4				
	4-P	5	5	1	10	10	2		20	20	4		10	10	2		30	30	6	4				

- (1) When examining 5 consecutive grab samples randomly collected on separate days by the same entity, the pollutant concentration shall not exceed the specified level. **IN MORE THAN 2 SAMPLES.**
- (2) Single grab sample (instantaneous) limit
- (3) Not less than
- (4) Detention time in minutes
- (5) Any combination of detention time and chlorine residual where the product of Cl<sub>2</sub> (mg/l) x t (min.) equals or exceeds 20 is satisfactory except that the minimum detention time shall be 20 minutes and the minimum residual shall be 0.5 mg/l. Disinfection is not required where secondary treatment is provided by properly designed and constructed stabilization ponds unless (1) the discharge is made within five miles of a reservoir or lake covered by a Septic Tank Board Order in which it is deemed necessary to protect public health, or (3) it is necessary to meet the stream standards of the receiving waters.

Treatment Process Corresponding to Effluent Set  
**SET X - OXIDATION PONDS MEETING REQUIREMENTS IN SECTION 1003(D) OF THESE RULES.**  
**0 - OTHER Oxidation Ponds**

- 1 - secondary (conventional design)
- 2 - modified secondary (enhanced solids separation)
- 3 - set 2 with chemical addition
- 4 - set 3 with filters

- Set 2-N - set 2 with biological nitrification
- 3-N - set 3 with biological nitrification
- 4-N - set 4 with biological nitrification
- 3-P - chemical addition in biological process
- 4-P - chemical precipitation after biological treatment

Volume 4, Number 1, January 2, 1979

# PROPOSED RULES

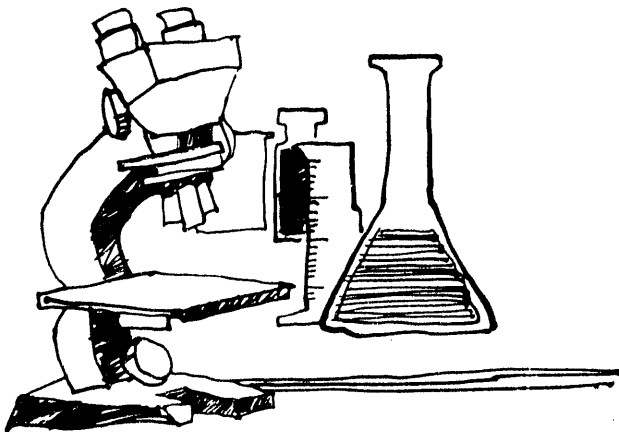
11

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

**Numbering System**—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

**Symbology**—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.



## Texas Department of Health Vital Statistics 301.59.00

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the office of the Texas Register Division, 503E Sam Houston Building, Austin, or in the office of the Texas Department of Health, 1100 West 49th Street, Austin.)

The Texas Department of Health proposes to repeal Rule .004, pertaining to the preservation of bodies. This rule was originally adopted in 1951 because the department believed at that time that a body should either be refrigerated or embalmed within 24 hours after death to prevent a public health hazard. In the years since 1951, the department has learned from experience and advances in medical knowledge that a

public health hazard generally does not occur if a dead body is not refrigerated or embalmed during the 24-hour period. Therefore, the department proposes to repeal this rule.

The staff of the department has determined that the repeal of this rule will have no fiscal implications for the State of Texas or for units of local government.

Public comment on the proposed repeal is invited and should be submitted in writing no later than 30 days after publication in the *Texas Register* to: Bureau of Communicable Disease, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7653.

This repeal is being proposed under authority of Article 4477, Texas Revised Civil Statutes.

### .004. *Preservation of Bodies.*

Issued in Austin, Texas, on December 21, 1978.

Doc. No. 788429 Philip W. Mallory, M.D.  
Deputy Commissioner  
Texas Department of Health

Proposed Date of Adoption: March 1979 board meeting  
For further information, please call (512) 458-7653.

## Texas Department of Human Resources

### Medicaid Eligibility

#### Individuals for Whom SSI Criteria Are Used 326.25.31

The Department of Human Resources proposes to amend Rule 326.25.31.001, about determining Medicaid eligibility for individuals related to the SSI Program in its Medicaid Eligibility rules. The proposed amendment removes reference to income exclusions for SSI-related Medical Assistance Only (Type Program 14) individuals. Effective July 1, 1978, the income eligibility limit or "cap" for SSI-related MAO cases was raised to the maximum MAO income "cap" allowed under federal regulations. The federal regulations require that when the maximum income "cap" is used, the SSI-related income exclusions may not be given in determining eligibility.

The department has determined that the proposed amendment is merely procedural and will have no fiscal implications for the state or units of local government.

Written comments are invited and may be sent to Susan Johnson, assistant chief, Systems and Procedures Bureau—452, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

The following amendment is proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes.

.001. *Types of Applicants.* [(a)] The eligibility criteria of the federal Supplemental Security Income (SSI) Program *are* [is] used in determining Medicaid eligibility for the following categories of assistance:

(1) SSI-related MAO (Type Program 14). Individuals residing in approved Title XIX long-term care facilities who would be eligible for SSI except for income may qualify for assistance under Type Program 14. Income, minus certain exclusions, must fall in a range between the appropriate SSI payment amount and a maximum established by the department.

(2)-(3) (No change.)

Doc. No. 788423

## Procedures for Applications for Medical Assistance 326.25.53

The Department of Human Resources proposes to amend Rule 326.25.53.004 about procedures for SSI applicants/recipients in Title XIX nursing facilities in its Medicaid Eligibility rules. The proposed amendment simplifies the procedure for this type of eligibility determination by removing manual certification and corrections by the medical eligibility worker. All entries for certification and correction to the recipient's payment plan will be submitted via the State Data Exchange (SDX) system.

The department has determined that the proposed amendment is procedural and will have no fiscal implications for the state or units of local government.

Written comments are invited and may be sent to Susan Johnson, assistant chief, Systems and Procedures Bureau—452, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

The following amendment is proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes.

**.004. [Special] Procedures for SSI Applicants/Recipients in Title XIX Nursing Facilities.**

(a) When an individual who *is receiving or* is potentially eligible *to receive* [for] SSI benefits enters a Title XIX nursing facility, the facility administrator submits a Patient Transaction Notice and a Medical-Nursing Care Evaluation to initiate a level of care determination. The medical eligibility worker receives a copy of the Patient Transaction Notice and creates a case record on the individual. A copy of the level of care determination is also sent to the worker. A case record will be maintained for all SSI recipients in Title XIX nursing facilities.

(b) *For applicants*, the facility administrator is responsible for *contacting* [following up with] the Social Security Administration to secure a protected date of filing and *for following up* to ensure that the eligibility determination is *completed* [rendered].

(c) *Once eligibility for SSI benefits is reported to the department via the SDX system, a patient status and payment plan notice is generated and* [When a final determination has been made by SSA,] a copy [of the eligibility and income data is] sent to the [medical eligibility] worker. *The worker reviews the patient status and payment plan notice and the income of the individual and spouse, if any, to determine if the initial payment plan is correct. If*

*correct, the patient status and payment plan notice is filed in the case record. If incorrect, the worker submits a Correction of Applied Income form to the Nursing Home Vendor Payments Section in the State Office, giving the correct income data.* [If the applicant is eligible for SSI benefits, the worker completes an SDX Manual Certification.]

(d) [In completing the SDX Manual Certification, if the client has an ineligible spouse, the worker will verify the income of the ineligible spouse and submit a Correction of Applied Income, including the total income of both the individual and the ineligible spouse. This information is necessary for vendor payment purposes.

(e) If SSI indicates denial due to excess income, the medical eligibility worker must determine the individual's eligibility for Type Program 14 assistance.

(f) If the payment plan is correct, the Nursing Home Vendor Payment Plan is filed in the case record. For individuals with an ineligible spouse, the original payment plan will reflect only the individual's own income. This will be followed by a corrected payment plan reflecting the information input on the initial Correction of Applied Income. Manual Corrections to the *vendor payment system will generate a patient status and payment plan notice showing the* [plan by the Vendor Payments Section result in a] revised payment plan [being generated]. Copies of the revised payment plan are routed to the Title XIX facility and the medical eligibility worker. When a Correction of Applied Income *form is processed for* [submitted indicating a correction to current applied income in] an SSI case, applied income is "locked in." *This means that all subsequent changes* [updates] must *also* [therefore] be made via the Correction of Applied Income *form*.

(g) [When the individual's name appears on the SDX system, the Type Program is changed from 12 to 13 in the State Office, and updates are received via the SDX tapes. With the exception of cases revised by the Correction of Applied Income form, an SDX update which affects the vendor payment plan will generate a new payment plan.] When a payment plan or a notice is received indicating a change in the *case income* [payment plan], the worker must determine *what the correct current payment plan should be by contacting* [if the change is correct by contact with] the *recipient* [client] or a responsible party. The worker documents *in the case record* any changes in the payment plan resulting from this contact [in the case record] and submits a Correction of Applied Income *form, if appropriate* [to correct the payment plan].

(h) [Every six months, the medical eligibility worker must again *verify the income of the SSI recipient and spouse, if any, to ensure that the current* [ascertain the correctness of the] payment plan *is correct* [and document this in the individual's case record]. *Documentation of this periodic verification must be maintained in the case record.*

Issued in Austin, Texas, on December 21, 1978.

Doc. No. 788424 Jerome Chapman  
Commissioner  
Texas Department of Human  
Resources

Proposed Date of Adoption: February 2, 1979

For further information, please call (512) 475-4601.



## State Board of Insurance

### Rating and Policy Forms

#### Fixing Rate of Automobile Insurance

#### 059.05.01

The State Board of Insurance proposes to amend, effective March 1, 1979, Rule 059.05.01.001, which adopted by reference the Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements. The proposal amendment is attached to and incorporated herein by reference for all intents and purposes.

The proposed amendment has no known fiscal implications for the state or for units of local government (source: State Board of Insurance staff).

The proposed amendment is to amend presently prescribed endorsements 119, 119B, TX-03-60b, TX03-61a, 158-0, 241a, 242a, 243a, and 244a set out in the endorsement supplement of the Texas Automobile Manual to make certain editorial revisions in the wording of such endorsements to clarify the intent or extent of coverage. The text of endorsements 119, 119B, TX-03-60b, and TX-03-61a are being revised to clarify that these endorsements constitute partial rejections of uninsured/underinsured motorist coverage and personal injury protection coverage. The text of endorsements 158-0, 241a, 242a, and 244a are being revised to clarify that the exclusion of named driver endorsements 119, 119B, TX-03-60b, and TX-03-61a apply to the uninsured/underinsured motorist coverage and personal injury protection coverage provided by such endorsements.

Public comment on the proposed amendments to Rule .001 is invited and may be submitted in writing to D. E. O'Brien, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

This amendment is proposed under the authority of Article 5.06 of the Texas Insurance Code.

.001. *Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements.* The State Board of Insurance adopts by reference the attached Rules and Rates

Governing the Insuring of Automobiles and Standard Endorsements as amended in *March* (January) 1979. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West Sixth Street, Austin, Texas 78701.

Doc. No. 788392

## Policy Forms and Endorsements

#### 059.05.06.001

The State Board of Insurance proposes to amend, effective March 1, 1979, Rule 059.05.06.001, which adopted by reference the Standard Provisions for Automobile Policies Written on and after October 1, 1974. The proposed amendment is attached and incorporated herein for all intents and purposes.

The proposed amendment has no known fiscal effects for the state or for units of local government (source: State Board of Insurance staff).

The proposed amendment is to add a new condition, subsection (J), to the uninsured/underinsured motorists coverage, which is intended to clarify that certain endorsements attached to policies do apply to uninsured/underinsured motorists coverage.

Public comment on the proposed amendments to Rule .001 is invited and may be submitted in writing to D. E. O'Brien, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

This amendment is proposed under the authority of Article 5.06 of the Texas Insurance Code.

.001. *Standard Provisions for Automobile Policies Written on and after October 1, 1974.* The State Board of Insurance adopts by reference the attached Standard Provisions for Automobile Policies Written on and after October 1, 1974, as amended in *March* (February) 1979 (1978). This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West Sixth Street, Austin, Texas 78701.

Doc. No. 788393

#### 059.05.06.002

The State Board of Insurance proposes to amend, effective March 1, 1979, Rule 059.05.06.002, which adopted by reference the Standard Provisions for Automobile Policies Written on and after April 1, 1955. The proposed amendment is attached and incorporated herein for all intents and purposes.

The proposed amendment has no known fiscal implications for the state or for units of local government (source: State Board of Insurance staff).

The proposed amendment is to amend the uninsured/underinsured motorists coverage provisions applicable to the family automobile policies to include an additional condition which is intended to clarify that certain endorsements attached to a policy also apply to uninsured/underinsured motorists coverage.

Public comment on the proposed amendment to Rule .002 is invited and may be submitted in writing to D. E. O'Brien, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

This amendment is proposed under the authority of Article 5.06 of the Texas Insurance Code.

.002. *Standard Provisions for Automobile Policies Written on and after April 1, 1955.* The State Board of Insurance adopts by reference the attached Standard Provisions for Automobile Policies Written on and after April 1, 1955, as amended in *March* [December] 1979 [1978]. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West Sixth Street, Austin, Texas 78701.

Issued in Austin, Texas, on December 20, 1978.

Doc. No. 788394 Pat Wagner  
Chief Clerk  
State Board of Insurance

Proposed Date of Adoption: February 2, 1979  
For further information, please call (512) 475-3486.

## Texas State Board of Medical Examiners

### Foreign Medical School Graduates 386.04.00

The Texas State Board of Medical Examiners is proposing to amend Rules 386.04.00.001-.002. The revised texts of the rules follow. The proposed amendment clarifies certification requirements for medical licensure in the State of Texas and facilitates licensure of qualified physicians who have in the past been ineligible for licensure due to their lacking the ECFMG certificate or ineligibility for waiver of the ECFMG certificate.

This proposed rule amendment has been reviewed with the Texas State Board of Medical Examiners accounting office, and there are no fiscal implementations for the State of Texas or for units of local government.

Public comment on the proposed amendment to Rules .001-.002 is invited. Comments may be submitted by telephoning the office of the board at (512) 474-6335, or by writing to the board at Southwest Tower Building, Suite 900, Austin, Texas 78701.

The amendment of Rules .001-.002 is proposed under the authority of Articles 4496 and 4509, Civil Statutes of Texas.

#### .001. *Requirements for Licensure.*

- (a) Applicants must be fingerprinted.
- (b) Applications must be certified by the school of graduation, and the signatures and school seal must be verified by the United States Consul in the district in which the school is located, or the applicants must furnish other documents satisfactory to the board.
- (c) Applications submitted must have the medical school seal imprinted on the applicant's photographs, or the applicants must furnish other documents satisfactory to the board.

(d) Applicants who are ECFMG-certified and possess current state medical licenses in the United States by written examination may apply for licensure by reciprocity.

(e) Applicants who are ECFMG-certified and do not possess state medical licenses in the United States by written examination are eligible to apply for licensure by examination. Foreign graduate candidates applying for licensure by examination must appear before the board for personal interviews and present their original credentials for inspection when their applications are considered for admittance to the examination.

(f) Only those foreign graduates who are applying for a license by reciprocity whose applications are not in order must appear before the full board for personal interviews and present their original credentials for inspection. Foreign graduates applying for a license by reciprocity whose applications are in order must appear at the board office for personal interviews and present their original credentials for inspection.

(g) ECFMG certification may be waived for foreign medical graduates who are *either* American board-certified in a specialty *or hold certification validated by an American specialty board that such applicant's foreign specialty board certificate is comparable to the American board certificate* and have current state medical licenses in the United States by written examination.

(h) ECFMG certification shall be waived for foreign medical graduates who have current state medical licenses in the United States by written examination if they received their license in the reciprocating state prior to June 20, 1960, the date ECFMG certification was made a requirement in Texas.

(i) Foreign medical graduates must possess their original medical diplomas, or they must have documents satisfactory to the board.

(j) Eligibility for licensure for all foreign medical graduates will be determined by the board on an individual basis.

(k) Foreign medical graduates must file their completed applications with the board office 90 days prior to the board meeting date for a license by reciprocity and 90 days prior to the board meeting date for admission to the examination. Applications must be complete in every detail 60 days prior to the meeting or exam date.

(l) Foreign-born medical graduates who have obtained temporary state medical licenses in the United States by written examination, because they do not have their full citizenship, are eligible to apply for a license by reciprocity with that state.

(m) Physicians licensed in Puerto Rico after June 30, 1963, are not eligible to apply for licensure by reciprocity with Puerto Rico unless such license was obtained by the FLEX examination. Physicians licensed in the Canal Zone, Virgin Islands, and Guam are eligible to apply for licensure by reciprocity if such license was obtained by the FLEX examination.

(n) Foreign medical graduates applying to the Texas State Board of Medical Examiners under the "Fifth Pathway Program" (Article 4501(b), Revised Civil Statutes of Texas) must present proof satisfactory to the board that the applicant has passed the examination given by the Educational Council for Foreign Medical Graduates, and complied with other provisions of this article.

**.002. Canadian Endorsement.**

(a) Canadian medical graduates who have current Canadian provincial licenses by written examination are eligible to apply for licensure by endorsement with that province. They are required to appear for personal interviews at the board office and present their original documents to the board secretary for inspection.

(b) Foreign medical graduates who are ECFMG-certified or American board-certified in a specialty *or hold certification validated by an American specialty board that such applicant's foreign specialty board certificate is comparable to the American board certificate* and have current Canadian provincial licenses by written examination are eligible to apply for licensure by endorsement with that province. They must appear at the board office for personal interview and present their original documents for inspection.

Issued in Austin, Texas, on December 20, 1978.

Doc. No. 788385      A. Bryan Spires, Jr., M.D.  
    Secretary-Treasurer  
    Texas State Board of Medical Examiners

Proposed Date of Adoption: February 2, 1979  
 For further information, please call (512) 474-6335.

## State Board of Veterinary Medical Examiners

### Professional Conduct 405.02.00

The Texas State Board of Veterinary Medical Examiners proposes to adopt Rule 405.02.00.028, concerning prescribing and dispensing of drugs by licensed veterinarians practicing in the State of Texas.

The board is statutorily charged with promulgating rules of professional conduct to maintain a high standard of integrity, skills, and practice in the profession. Acting within this authority, the following rule is proposed for adoption for the purpose of ensuring that certain classes of drugs are prescribed and dispensed judiciously only after professional evaluation. Many of these drugs carry a withdrawal period of which the veterinarian must specifically inform the client.

This agency has determined that the proposed amendment has no fiscal implications for the state or for any units of local government.

Written comments are invited and may be sent to T. D. Weaver, executive secretary, State Board of Veterinary Medical Examiners, 603 Capital National Bank Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

This rule is proposed under the authority contained in Section 8 of Article 7465(a) of Vernon's Annotated Texas Statutes.

*.028. Prescription and Dispensing of Controlled Substances.* It is unprofessional conduct for a licensed veterinarian to prescribe or dispense, or deliver or order delivered any controlled substance without first having established a patient-veterinarian relationship by having personally examined the individual animal, herd, or a representative segment or a consignment lot thereof, and determined that such controlled substance is therapeutically indicated following said examination.

Issued in Austin, Texas, on December 20, 1978.

Doc. No. 788360      T. D. Weaver  
    Executive Secretary  
    State Board of Veterinary Medical  
    Examiners

Proposed Date of Adoption: February 2, 1979  
 For further information, please call (512) 475-3933.

# ADOPTED RULES

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An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, and the adoption may go into effect no sooner than 20 days after filing, except where a federal statute or regulation requires implementation of a rule on shorter notice.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

**Numbering System**—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

## Texas Department of Health

### Long-Term Care

#### Grading System for Nursing and Custodial Care Homes 301.54.11

The Texas Department of Health has adopted the subject rules published in the *Texas Register* dated August 29, 1978 (3 TexReg 3013). The adoption of these rules will become effective February 1, 1979. Numerous public comments and recommendations were received by the department at public hearings held throughout the state, and the major recommendations and the department's response to them are as follows:

(1) A grading system should not involve "demerit" points and be a bonus-only system. The proposed system of demerit points is judgmental and demerit points should be given only if a deficiency is recorded on the survey.

**Response:** The department feels that the proposed demerit point system is an effective mechanism to evaluate the performance of personnel and delivery of services. This system will reduce the possibility of a facility providing extra personnel, yet be inferior in services. The survey and inspection process is in large part judgmental and the grading process is a continuation of those processes; therefore, the assessment of demerit points on a judgment basis is acceptable. In the proposed rules (Rule .014(c)(1)) is a specific reference to the fact that a deficiency must be recorded to assess demerit points.

(2) There is no monetary incentive for facilities nor funds to pay for extra personnel and services necessary to achieve a superior grade.

**Response:** The legislative amendment to the licensing law did not provide any monetary incentive to meet superior grading criteria. The incentive, as stated in the legislation, is to permit a facility to advertise a superior rating. Under the proposed system, a facility could achieve a superior grade without the necessity of large expenditures. Approximately 70 bonus points could be recognized in administra-

tive/activities and volunteer services without the expenditure of any funds.

(3) A term other than "superior" should be utilized to recognize excellence and there should be a scale of grades. A facility should be granted a certificate indicating compliance with minimum standards.

**Response:** The legislation specifically states that "superior" facilities will be recognized; therefore, the department does not feel there is an alternate term that would be acceptable. All facilities will be graded; however, recognition will be granted only to the superior facility. A facility failing to meet minimum requirements will be subject to the various corrective remedies available to the department. A facility meeting minimum requirements but less than superior would be licensed and/or certified. Granting certification and/or license indicates compliance with minimum standards.

(4) An appeal system for grading should be established.

**Response:** The department has accepted this suggestion and incorporated a procedure for administrative review in the final rules by adding a new rule, Rule .013. The remaining rule has been numbered accordingly.

(5) The achieved grade should be granted at the time of final action for certification and/or licensure.

**Response:** The achieved grade would normally be in effect for one year and should be determined on an unannounced basis. The department does not intend to change the proposed procedure other than for a grading visit recommended after administrative review. Repeated visits for grading would have a cumulative effect for bonus points and a reduction of demerit points.

(6) There were comments that the system discriminated against large facilities. Comments were also received that the system discriminated against small facilities.

**Response:** The department considers the system balanced. A large facility may have more professional staff and consultants meriting bonus points. A small facility would have advantages in achieving bonus points in staffing ratios, as fewer patients and staff would be involved. It appears that the administrator of a small facility would have a better opportunity to meet and know the patients and families.

(7) The grading certificate should state which services earned bonus points.

**Response:** The department does not consider this a viable suggestion. No point would be served through this recognition any more than notice of services accumulating demerit points.

(8) Services provided by attendants/aides should be graded or rated.

**Response:** The entire grading system and survey/inspection process is a review of all services provided by all staff. The department does not see any advantage in attempting to single out any one classification of employees.

(9) Few facilities can provide selective menus and some facilities use compartmentalized trays and plates.

**Response:** The department has not changed the original proposal. These two items are in a bonus category. If a facility does not provide selective menus or uses compartmentalized trays/plates, no demerit points are assessed. We have defined selective as at least two choices in entree and vegetable at least two meals daily.



(10) Bonus points should be granted for specialized rehabilitative equipment.

Response: The department has accepted this proposal and included a category for specialized rehabilitative equipment and space for that equipment.

(11) Display of a superior grading certificate should be voluntary or at the discretion of the facility.

Response: The language of the proposal was not changed as the proposal reflects the legislation requiring a superior grade to be prominently displayed.

(12) Several recommendations were received to change the points assigned for various categories in both bonus and demerit points.

Response: The department has not modified any of the points assigned. To change any points would require a complete re-evaluation and reassignment of all points. The department may re-evaluate the points and make modifications after experience.

These rules are adopted pursuant to Section 7, Article 4442c, Texas Civil Statutes.

*.001. Authority and Purpose.* Section 7, Article 4442c, Vernon's Texas Civil Statutes, authorizes the department to adopt, amend, promulgate, publish, and enforce minimum standards in relation to the grading of each home or institution so as to recognize those homes or institutions that go beyond the minimum level of services and personnel as established by the agency, and such attained grade shall be prominently displayed for public view and as incentive to attain the superior grade, allow each home or institution to advertise such grade. Pursuant to Section 7, all licensed nursing homes and all licensed custodial care homes shall be graded. The criteria in these rules apply to all such licensed facilities except those licensed facilities or portions of such licensed facilities participating in the Medicaid program as facilities for the mentally retarded.

*.002. Grade Recognition.* All facilities shall be graded. A facility meeting the minimum criteria for a superior grade will be so notified and awarded a certificate.

*.003. Categories of Facilities to Be Graded.* Many facilities participate in Medicare or Medicaid programs and are subject to the standards for levels of care established under those programs. Even though a facility may meet the minimum requirements for licensure, it may not meet the minimum requirements for the level of care it professes and contracts to provide; therefore, such a facility may be an unsatisfactory facility with respect to the Medicare or Medicaid level of care. With this consideration, the superior grade given a facility or portion thereof will be based on the minimum standards for the highest or most stringent category applicable to the facility.

The categories are:

- Skilled Nursing Facility (Medicare or Medicaid)
- Intermediate Care III Facility (Medicaid)
- Intermediate Care II Facility (Medicaid)
- Nursing Home (Nonparticipating in Medicare or Medicaid)
- Custodial Care Home (Nonparticipating in Medicaid)

A facility of more than one category will receive a grade for each category.

#### *.004. Grading Certificate.*

(a) Only facilities meeting the superior grade will be recognized by a grading certificate furnished by the licensing agency. A facility receiving such a certificate shall display the certificate in a prominent location for public view. The facility may advertise that it has achieved the superior grade and may continue to advertise as long as the grade is in effect; however, the type of advertising shall be such that the advertising can be immediately withdrawn if the superior grade becomes null and void. The certificate is the property of the licensing agency, not that of the facility.

(b) The certificate denoting the superior grade will specify the category involved.

(c) The superior grade will be determined based on conditions found at time of determination; at any subsequent point in time a facility's quality of operation may advance or decline. The certificate and any public release or advertisement made by the facility shall include the following statement: "This facility was rated on \_\_\_\_\_ (date) on the basis of how well it provides care and services for its residents in accordance with state and federal regulations, and found to have a superior rating."

#### *.005. Inspection or Survey to Establish Grade.*

(a) With qualifications as further indicated, grading a facility will be based on the survey or inspection as follows:

(1) for a facility participating in Medicare or Medicaid—the full annual survey performed by the Medicare/Medicaid survey agency (licensing agency) to determine certification and establish eligibility for a provider agreement;

(2) for a facility not participating in Medicare or Medicaid—the full inspection performed annually by the licensing agency to establish status with respect to a license.

(b) If the licensing agency because of conditions found in a facility cannot make a determination of certification or licensure on the first visit and elects to make a call-back visit, only the facility's status with respect to the grading criteria as determined at the first visit will be used to determine the grade. There will be no special visits specifically for grading purposes. On the effective date of the grading rule, facilities will be surveyed or inspected in accordance with established schedules and time frames. Within approximately one year of effective date, all facilities will be evaluated for grading purposes, except for new facilities opened during that period; and grading will normally be repeated on an annual basis.

*.006. Grading of New Facilities.* A new facility will not be graded based on its initial survey for Medicare/Medicaid participation nor on its initial inspection for licensure; rather, the grade will be later established based on the survey for Medicare/Medicaid participation pursuant to the first subsequent provider agreement after the initial agreement of 12 months, or, for facilities not participating in Medicare or Medicaid, the grade will be established based on the inspection performed pursuant to the first license renewal.

*.007. Grading of Additions to Facilities.* Additions to a graded facility will automatically be included under the existing grade at time the additions are certified or licensed, as applicable, unless unusual circumstances warrant otherwise.

**.008. Change of Ownership.**

(a) A grade is not transferable. On change of ownership or licensure of a facility operation, the grade existing at time of change of ownership becomes null and void.

(b) For a facility which is graded at time of change of ownership and is not involved with punitive actions described under Rule .011, the survey made pursuant to establishing Medicare or Medicaid participation for the new ownership, or, as applicable, the inspection made pursuant to establishing eligibility for licensure for the new ownership, will be used for the grading.

**.009. Facilities Losing Certification or Licensure Status.** A facility which has been graded but through noncompliance with standards loses its certification for participation in Medicare or Medicaid or loses its license through suspension or revocation will automatically lose its grade. Such a facility will be considered as a new facility in establishing a subsequent grade.

**.010. Changes in Level of Care or Licensed Category.** A change in level of care with respect to Medicare/Medicaid participation or change in a licensed category will render a grade null and void. The survey or inspection for the new level of care or the new licensed category will be used as the basis on which to grade the facility.

**.011. Influence of Punitive Actions on Superior Grade.**

(a) A grade of superior will automatically be null and void if in accordance with law and/or agency rules and regulations:

- (1) the facility license be suspended or revoked;
- (2) the facility be decertified or cannot be recertified;
- (3) recommendation be approved by the department that the facility be placed on vendor hold;
- (4) injunctive relief or civil penalty is granted;
- (5) other serious punitive action be taken.

However, certain deficiencies preventing recertification only because of required technical procedures may be considered having no adverse influence on grade attainment.

(b) When the superior grade becomes null and void, the facility shall remove from display and advertising the certificate representing the superior grade, and the certificate shall be surrendered to the licensing agency on request.

**.012. Duration of Grade.** A grade determination will be in effect until the next survey to determine certification and establish eligibility for a provider agreement or the next inspection to establish status with respect to a license, except where changes of ownership, changes in levels of care, conditions requiring punitive actions, or other conditions require a grade to be redetermined or require the superior grade to become null and void. Therefore, normally a grade determination will be in effect for approximately one year. The same certificate displayed to represent the superior grade may serve for a continuing subsequent superior grade.

**.013. Administrative Review.**

(a) Upon written request of the facility specifying the basis for review, the department will provide an administrative review of the case. The following procedures will be followed:

(1) The director, Quality Standards Division, will secure the survey/inspection report, documents utilized in determining the grade, and request for review from the facility.

(2) These documents will be de-identified and a case number assigned.

(3) The de-identified reports shall be provided to the director, Professional Services Division. Staff of that division shall review the case and render a decision.

(4) That decision may either:

- (A) uphold the grade established;
- (B) modify the grade established (gain or decrease);
- (C) request a follow-up inspection.

(5) The above decision shall be transmitted within 30 days from the director, Professional Services Division, to director, Quality Standards Division.

(6) The director, Quality Standards Division, shall notify the facility of the decision.

(b) To be considered for administrative review, the facility written request must be received within 30 days following receipt of the survey or inspection.

**.014. System of Bonus and Demerit Points.**

(a) Deficiencies in the provision of services must be considered in determining if a facility is a superior facility. The licensing agency recognizes, however, that certain minor deficiencies can exist in a facility and the facility be an excellent facility.

(b) For a facility to receive a superior grade, the facility must provide services and personnel above the minimum in several categories, and the system of grading described herein automatically requires the facility to so excel.

(c) In consideration of the above, the grading system is based on a system of bonus or positive points for selected services and personnel that exceed the minimum requirements, together with a system of demerit or negative points when selected services, staffing, or operation are not provided in accordance with the minimum requirements.

(1) In the event a finding (problem) is not deemed of such magnitude as to necessitate recording on a Statement of Deficiencies and Plan of Correction, that finding would not result in a demerit situation in the grading system.

(2) To receive the superior grade, a facility must not exceed the number of demerit points in each category of service, and after so qualifying with respect to demerit points, must attain a minimum number of bonus points consonant with the actual number of demerit points, as shown on the statement below the demerit tabulation. The bonus points so attained may be drawn from any or all categories of service.

(Editor's note: See chart, page 19.)

Maximum Allowable Demerit Points  
All Facilities

Dietary Service	-10
Nursing Service	-20
Administrative Service	0
Activities and Volunteer Services	N/A
Professional Consultant Services	N/A
Physical Environment	- 8
Laundry Service	0
Housekeeping and Maintenance	- 5
	<hr/>
Total	-43

Required Minimum Bonus Points  
All Facilities

95 plus the number of actual demerit points

(Example: a facility with 20 demerit points  
must attain 115 bonus points)

(d) Where a facility of more than one category has a consultant serving more than one category, the bonus points for the consultant may apply to each category when in fact the consultant truly serves each category. Similarly, bonus points for an employee, such as director of nurses, may apply to more than one category, depending on the situation.

(e) The designated grade of superior must be meaningful and must represent an incentive for all facilities to attain. It is anticipated that during the first grading year a relatively small percentage of homes, e.g., approximately 20 percent, will attain that grade. Future years should see that percentage rise as other homes improve. In pursuing this guideline, the licensing agency may find it necessary to make minor adjustments, upward or downward, in the point values, the maximum allowable demerit points, and/or the required minimum bonus points.

(f) Also, from time to time, amendments are made in licensing, certification, or other applicable standards on which the grading system is based. Such amendments may require the licensing agency to make adjustments at any time in the grading system so as to be consonant with the standards and to maintain intent and purpose for the superior grade.

(g) The point values assigned are as follows:

(See charts, pages 20-27.)

Issued in Austin, Texas, on December 14, 1978.

Doc. No. 788430      Raymond T. Moore, M.D.  
Deputy Commissioner  
Texas Department of Health

Effective Date: February 1, 1979

For further information, please call (512) 458-7706.

Dietary Service

	SNF	ICF III	ICF II	NF	CCH
<u>Bonus Points</u>	<u>Bonus Points</u>				
<b>A. Dietitian</b>					
1. Full-time (40 hr/wk) Dietitian (ADA) or BS graduate in foods and nutrition	25	25	25	25	25
2. Dietary Consultant working in facilities more than minimum requirement. (non-participating facility would be considered comparable to ICF III, ICF II)					
a. 100% more.	15	15	15	15	15
b. 75% more.	10	10	10	10	10
c. 50% more.	8	8	8	8	8
d. 25% more.	5	5	5	5	5
<b>B. Qualified Food Service Supervisor</b>					
1. Facilities with more than 100 residents; supervisor in full-time (40 hr/wk) supervisory capacity.	10	10	10	10	10
2. Facilities with more than one Qualified Food Service Supervisor full-time.	10	10	10	10	10
3. Facilities with 76-100 residents; supervisor works as supervisor 30 hours (75% rate) weekly.	10	10	10	10	10
4. Facilities with 51-75 residents; supervisor works as supervisor 20 hours (50% rate) weekly.	10	10	10	10	10
5. Facilities with not over 50 residents; supervisor works as supervisor 10 hours (25% rate) weekly.	10	10	10	10	10
<b>C. Selective menu for those residents capable and within dietary restrictions.</b>	15	15	15	15	15
<b>D. Full table or tray service (not compartmented plates or trays) including fork, knife, and spoon for residents not requiring self-help devices.</b>	5	5	5	5	5

Demerit Points

<u>Demerit Points</u>	<u>Demerit Points</u>				
A. Menus or meal service fail to meet the nutritional needs of residents.	-15	-15	-15	-15	-15
B. Prescribed diets are not being prepared and served.	-10	-10	-10	-10	-10
C. Meals are not served at appropriate intervals, including snacks and bedtime nourishments.	-10	-10	-10	-10	-10
D. Food is not served in attractive manner or not served at proper temperatures.	-5	-5	-5	-5	-5
E. Sanitary conditions are not maintained, or there are improper food-handling techniques.	-8	-8	-8	-8	-8

Nursing ServiceBonus Points

<u>Bonus Points</u>	<u>Bonus Points</u>				
A. Director of Nurses (not also a charge nurse)					
RN - 7 days/week	0	15	20	15	25
RN - 5 days/week	0	10	15	10	20
LVN - 7 days/week	N/A	0	0	0	5
B. Assistant Director of Nurses (not also a charge nurse)					
RN - 7 days/week	10	10	10	10	10
RN - 5 days/week	8	8	8	8	8
LVN - 7 days/week	3	5	5	5	5
C. Charge Nurses					
1. 7-3 shift					
RN - 7 days/week	10	10	10	10	15
RN - 5 days/week	5	5	5	5	10
LVN - 7 days/week	0	0	0	0	5

2. 3-11 shift					
RN - 7 days/week	10	10	10	10	15
RN - 5 days/week	5	5	5	5	10
LVN - 7 days/week	0	0	0	0	5
3. 11-7 shift					
RN - 7 days/week	10	15	15	15	15
RN - 5 days/week	5	10	10	10	10
LVN - 7 days/week	0	5	5	5	5

D. Consultant Nurse Services

RN Consultant 8 hours/week	N/A	3	3	6	6
4 hours/week (Must be in addition to any RN services in A or B)	N/A	0	0	3	3

E. 24-Hour Licensed Nurse Ratio - 7 days/week

1 to 10 or less	10	15	15	15	15
1 to 15	0	10	10	10	10
1 to 30	N/A	0	5	0	5

F. 24-Hour Attendant Ratio - 7 days/week

1 to 15 or less (Cannot add to E above)	N/A	N/A	5	N/A	5
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G. Written evidence that 10 percent of the currently licensed personnel has attended formal continuing education during the past year, beyond minimum requirements.

10	10	10	10	10
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H. Written evidence that 10 percent of the currently employed nurses aides have received inservice beyond minimum requirements.

5	5	5	5	5
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Demerit Points

Demerit Points

A. Rehabilitative/restorative nursing not provided or improperly provided.

-20	-20	-20	-20	-20
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B. Resident personal hygiene/grooming not acceptable.	-10	-10	-10	-10	-10
C. Non-Conformance with physician drug/treatment orders and/or non-conformance in medication administration.	-20	-20	-20	-20	-20
D. Medications administered by unqualified personnel; including medication aides performing prohibited functions (injections, etc.)	-25	-25	-25	-25	-25
E. Medications not available for administration through facility error in ordering or notification of responsible party.	-10	-10	-10	-10	-10

Administrative Service

Bonus Points

Bonus Points

A. The Administrator, Assistant Administrator and/or the Health Services Supervisor visit each resident daily (5 days/week).	15	15	15	15	15
B. The facility has a working mechanism to hear, investigate, and resolve complaints. Facility carries out this policy effectively.	20	20	20	20	20

Demerit Points

Demerit Points

A. Trust fund records not properly maintained and available to residents/patients/families, etc. (Exclusive of simple arithmetic errors)	-15	-15	-15	-15	-15
B. Continuing education for all employees not maintained.	-10	-10	-10	-10	-10
C. Orientation program for new employees not maintained.	-10	-10	-10	-10	-10
D. Disaster plan not regularly rehearsed.	-10	-10	-10	-10	-10

## Activities and Volunteer Services

### Bonus Points

	<u>Bonus Points</u>				
A. Active and documented volunteer programs.	10	10	10	10	10
B. Active volunteer council.	5	5	5	5	5
C. Volunteer/resident ratios (volunteer giving individual service to resident)					
1. One volunteer for each six residents or less, at a rate of 1/2 hour per week, per resident.	5	5	5	5	5
2. One volunteer for each ten to six residents at a rate of 1/2 hour per week, per resident.	3	3	3	3	3
D. Regular scheduled training for staff on working with volunteers.	3	3	3	3	3
E. Active resident council that meets at least quarterly.	5	5	5	5	5
F. Activity director meets requirements of 405.1101 (o).	5	5	5	5	5
G. Activities directors					
1. Devote 100% more time than required minimum (non-participating facilities would be considered comparable to ICF III and ICF II)	10	10	10	10	10
2. Devote 50% more time than required minimum (non-participating facilities would be considered comparable to ICF III and ICF II)	5	5	5	5	5
H. Distinct activity area provided.	5	5	5	5	5

## Professional Consultant Services

### Bonus Points

	<u>Bonus Points</u>				
A. Medical Direction					
1. Full-time (40 hrs/wk) Medical Director	20	20	20	20	20
2. Part-time (at least 20 hours but less than 40 hrs/wk) Medical Director.	15	15	15	15	15



3. Daily visits by Medical Director.	15	15	15	15	15
4. Weekly visits by Medical Director.	10	10	10	10	10
<b>B. Physical Therapy Services</b>					
1. Staff Therapist (at least 20 hrs/wk).	10	10	10	10	10
2. Consultant Therapist (at least weekly visits).	5	5	5	5	5
<b>C. Occupational Therapy Services</b>					
1. Staff Therapist (at least 20 hrs/wk).	10	10	10	10	10
2. Consultant Therapist (at least weekly visits).	5	5	5	5	5
<b>D. Medical Records Consultant (RRA or ART)</b>					
	0	10	10	10	10
<b>E. Pharmacy Services</b>					
1. Facility provides an in-house pharmacy staffed with a registered pharmacist at least 40 hrs/wk.	15	15	15	15	15
2. Consultant pharmacist devotes 100% more time than required minimum (non-participating facility would be considered comparable to ICF III and ICF II).	10	10	10	10	10
3. Consultant pharmacist devotes 50% more time than required minimum (non-participating facility would be considered comparable to ICF III and ICF II).	5	5	5	5	5
<b>F. Professional security provided at least 8 hours daily.</b>					
	10	10	10	10	10

### Physical Environment

#### Bonus Points

##### A. Life Safety Code

1. Functioning non-required sprinkler system.	10	10	10	10	10
2. Functioning non-required general smoke/heat detection system throughout.	7	7	7	7	7

##### B. Multiple functional living/recreation rooms accessible to residents.

	5	5	5	5	5
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C. Toilet Rooms

- |   |   |   |   |   |   |
|---|---|---|---|---|---|
| 1. Toilet and lavatory for each two beds (for 75% or more of beds). | 5 | 5 | 5 | 5 | 5 |
| 2. Toilet and lavatory for each four beds.                          | 3 | 3 | 3 | 3 | 3 |

D. Bedrooms

75% of beds in 2-bed or private rooms	5	5	5	5	5
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- |  |    |    |    |    |    |
|--|----|----|----|----|----|
| E. Generous use of quality finish materials and appointments commensurate with the location and purpose. | 10 | 10 | 10 | 10 | 10 |
|--|----|----|----|----|----|

F. Restorative Area

Facility has a room or area that is available and utilized for restorative care that has at least three of the following items:

- |  |    |    |    |    |    |
|--|----|----|----|----|----|
| 1. Parallel bars   |    |    |    |    |    |
| 2. Whirlpool   |    |    |    |    |    |
| 3. Shoulder wheel (for use under guidance of Physical Therapist) |    |    |    |    |    |
| 4. Practice stairs with handrails                                |    |    |    |    |    |
| 5. Table with mat and/or floor exercise mat                      | 10 | 10 | 10 | 10 | 10 |

Demerit Points

Demerit Points

- A. Required fire alarm system not functioning properly.

Entire System	-10	-10	-10	-10	-10
Components	-3	-3	-3	-3	-3

- B. Required sprinkler system not functioning properly.

Entire System	-15	-15	-15	-15	-15
Components	-5	-5	-5	-5	-5

C. Required emergency lighting system not functioning properly.

Entire System	-5	-5	-5	-5	-5
Components	-2	-2	-2	-2	-2

Laundry Service

No bonus points may be achieved in this area as each facility must provide linen/laundry service either directly or from contracted services.

Demerit Points

Demerit Points

- A. Failure to maintain an adequate and accessible linen supply.

-5 -5 -5 -5 -5

Housekeeping and Maintenance

No bonus points are to be achieved in this area as all facilities are to be maintained in a clean, orderly, sanitary manner with all equipment in proper working order.

Demerit Points

Demerit Points

- A. Serious deficiencies in maintaining patient rooms/toilets and baths/public areas in a clean/odor free manner.

-15 -15 -15 -15 -15

- B. Serious deficiencies in maintaining exterior of building and grounds in an orderly and neat manner.

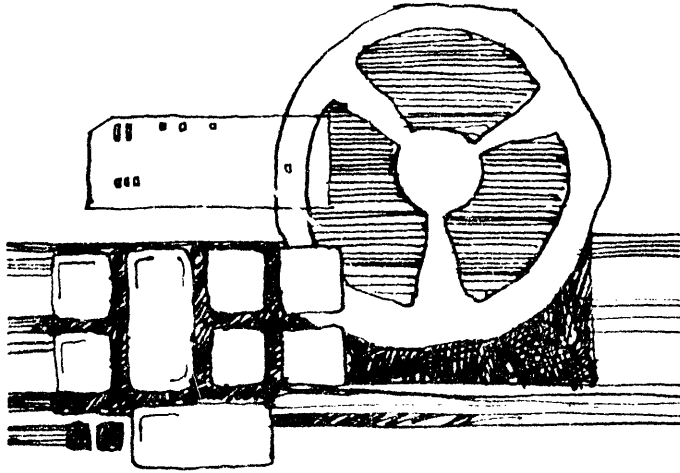
-5 -5 -5 -5 -5

- C. Facility does not maintain regular scheduled extermination service.

-10 -10 -10 -10 -10

- D. Serious deficiencies in maintenance as to painting/floor coverings/furnishings.

-10 -10 -10 -10 -10



## Texas Water Development Board

### Introductory Provisions

#### General Provisions 156.01.01

This amendment is adopted under the authority of Sections 5.131 and 5.132, Texas Water Code.

##### .014. Copies and Certificates.

(a) Except as provided in the Copyright Revision Act of 1976, Title 17, United States Code, Rule 156.01.01.013, and the Open Records Act, upon the application of any person, the department will furnish copies, certified or otherwise, as requested, of any of its proceedings or other official acts of record or of any map, paper, or document filed with the board or commission, or other official record, or of any information collected, assembled, or maintained by the department in its files. Certified copies will be made, as appropriate, under the hand of one of the following officials or a designated representative of the official: the chairman of the board, the executive director, the chairman of the commission, or the chief clerk of the commission. Certified copies will be affixed with the seal of the department or commission, as appropriate.

(b) So long as requests for free copies by a person do not become burdensome to the department, there is no charge for single copies, certified or otherwise, of a reasonable number of pages of documents furnished to:

(1) a governmental entity when the subject of the documents relates to a matter affecting the area within the jurisdiction of the governmental entity; or

(2) any other person when the subject of the documents relates to a matter affecting that person and when the furnishing of the copies serves a public purpose.

(c) In all other cases, the executive director will furnish copies at the rates published by the State Board of Control or

will contract for the copies to be made at the expense of the person requesting them. In no event shall such fees for copies exceed those permitted in Article 3913.

Doc. No. 788386

#### Definitions 156.01.20

This amendment is adopted under the authority of Sections 5.131 and 5.132, Texas Water Code.

.030. *Certificate of Adjudication.* A certificate of adjudication is an instrument evidencing a water right issued to each person adjudicated a water right in conformity with the provisions of Section 11.323 or the final judgment and decree in *State of Texas v. Hidalgo County Water Control and Improvement District No. 18*, 443 Southwest 2d 728 (Texas Civil Appeals—Corpus Christi 1969, writ ref. n.r.e.).

Doc No 788387

#### Particular Proceedings

##### Dismissal of Claims Filed under Section 11.303, 156.04.16

These rules are adopted under the authority of Section 5.131, Texas Water Code.

.001. *Dismissal by Consent.* If the holder of a claim of water right filed pursuant to Section 11.303 executes a form abandoning such claim and files the form with the executive director, the executive director may submit a copy of the executed form abandoning the claim of water right to the commission and request dismissal of the claim. Upon receipt of the request, the commission shall consider dismissal of the claim.

##### .002. *Dismissal Initiated by Executive Director.*

(a) The executive director may request the commission to set a hearing to consider dismissing a claim of water right filed pursuant to Section 11.303 if

(1) the claim does not affirmatively state nonexempt beneficial use of water under the claim during the period 1963-1967, inclusive, or 1963-1970, inclusive, if applicable; or

(2) department investigations indicate the claim solely involves use of a domestic and livestock reservoir exempted from permit requirements pursuant to Section 11.142, Texas Water Code.

(b) Upon request of the executive director, the commission shall set a hearing to consider dismissing the claim and shall send notice by certified mail of the date, time, and place of the hearing to the owner of the claim as shown by the department's permanent records at least 30 days prior to the date of the hearing. The notice shall contain a reference to the particular sections of the statutes and rules involved and a brief statement of matters asserted.

(c) If the claimant fails to present evidence at the hearing that the state water was used under his claim during the period 1963-1967, inclusive or, 1963-1970, inclusive, if applicable, for a purpose that can be recognized under the Water Rights Adjudication Act, the commission shall dismiss the claim.

Doc. No. 788388

## Water Districts

### Issuance of Bonds 156.06.30.

This amendment is adopted under the authority of Sections 5.131 and 5.132, Texas Water Code.

*.002. Filing of Documents.*

(a) Applicants shall submit all of the required data at one time in one package. Applications may be returned for completion if they do not satisfy the requirements and conform to the format as indicated in Appendix B to this chapter.

(b) The applicant shall send a copy of the completed engineering report as submitted with the application for issuance of bonds, including attachments, directly to the appropriate Texas Department of Water Resources field office headquarters, simultaneously with the submission of the bond application package to the Department of Water Resources.

Doc. No. 788389

### District Action of the Commission Approves the Engineering Project and Issuance of Bonds 156.06.35

This amendment is adopted under the authority of Section 5.131 and 5.132, Texas Water Code.

*.002. Transmittal of Reports.* All water districts shall submit copies of documents listed under Sections (c) and (d) in the preceding rule directly to the appropriate Texas Department of Water Resources field office, simultaneously with the submission of the document to the executive director.

Doc. No. 788390

### Other Actions Requiring Commission Consideration for Approval 156.06.40

This amendment is adopted under the authority of Sections 5.131 and 5.132, Texas Water Code.

*.001. Substantial Alterations.* Substantial alterations to commission-approved plans and specifications must be approved by the commission.

(1)-(5) (No change.)

(6) Copies of all changes in plans, specifications, and supporting documents for all water district projects will be sent directly to the appropriate Texas Department of Water Resources field office, simultaneously with the submittal of the documents to the department's executive director.

(7) (No change.)

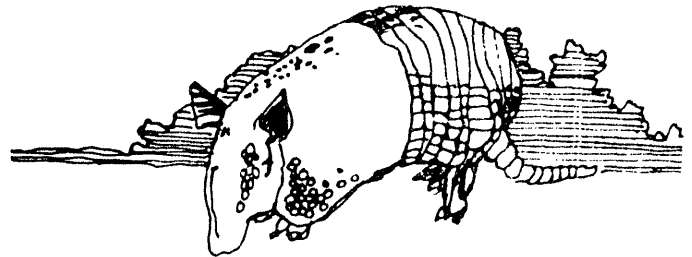
Issued in Austin, Texas, on December 19, 1978.

Doc. No. 788391

Bruce Bigelow  
General Counsel  
Texas Department of Water Resources

Effective Date: January 11, 1979

For further information, please call (512) 475-7836



This section includes summarized opinions in cases on appeal from administrative decisions of local, state, and federal governments and agencies. The section contains opinions of the U.S. Supreme Court, U.S. Circuit Courts of Appeals, U.S. District Courts, the Texas Supreme Court, and Texas Courts of Civil Appeals. Selected opinions of particular importance dealing with other than administrative appeals may also be included here from time to time. State court opinions are cited in the *Texas Lawyers' Weekly Digest*. Opinions from federal courts are cited in *The United States Law Week*.

## 4th Court of Civil Appeals

### Crystal City Independent School District v. Griffith-Williams Cattle Co.

The levy of an annual ad valorem tax by trustees of an independent school district is required to be by ordinance rather than by motion or resolution. To be an ordinance within the meaning of the statute, the procedure must be more than a mere verbal motion made, adopted, and entered on the minutes, more than a mere resolution subsequently reduced to writing by the secretary. It must be reduced to writing before being acted on by the council. It must be invested with formalities, solemnities, and characteristics of an ordinance, as distinguished from motions and simple resolutions. (15 TLWD 49, at 6)

Filed: November 29, 1978, San Antonio  
Doc. No. 3C98

## 6th Court of Civil Appeals

### Williamson v. Kempf

After an election has been called and held and all votes have been cast and counted, no discretion is lodged in the election judge to decide whether the returns will be certified to the canvassing board. A court of law, at that stage, is the only authorized authority or tribunal that may decide whether voting fraud occurred or not, and only then in an election contest prescribed by statute. An election is essentially an exercise of political power, and during its progress it is not subject to judicial control other than to require the election and canvassing officials to perform their ministerial duties that have been prescribed by statute. However, a trial court has authority and power to require by writ of mandamus that ministerial duties be performed by an election judge and canvassing board to force completion of the election process in accordance with procedural statutes regulating the manner in which elections shall be conducted. (15 TLWD 49, at 6)

Filed: November 28, 1978, Texarkana  
Doc. No. 3C97

## 14th Court of Civil Appeals

### Vibber v. Unauthorized Practice Committee of State Bar of Texas

The Unauthorized Practice Committee of the State Bar of Texas is a state agency exempted from posting a temporary injunction bond to secure against damages. (15 TLWD 49, at 5)

Filed: December 6, 1978, Houston  
Doc. No. 3C96

The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the *Register*. Each notice published includes an agenda or a summary of the agenda as furnished for publication by the agency and the date and time of filing. Notices are posted on the bulletin board outside the offices of the secretary of state on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

## Texas Department of Agriculture

**Tuesday, February 13, 1979, 1 p.m.** The Agriculture Protective Act Division of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, Expressway 83 (two blocks west of Morningside Road), San Juan, to discuss allegations against Palm Valley Farms (Harlingen) in account with Jonathan Kidd (Harlingen).

Additional information may be obtained from Ed Whitesides, P.O. Box 12847, Austin, Texas 78711, telephone (512) 475-4304.

Filed: December 21, 1978, 4:49 p.m.

Doc. No. 788402

## Texas Animal Health Commission

**Thursday, January 11, 1979, 9 a.m.** The Texas Animal Health Commission will meet in the Paramount Room, Driskill Hotel, 117 East 7th Street, Austin, to consider the following items, as summarized: poultry regulation changes contained in Proclamation No. 424; final treatment of cattle for release from fever tick quarantine by submersion in a vat; pre-immunization center in San Antonio; TB testing of Louisiana cattle; interstate brucellosis requirements for cattle; proposed uniform method and rules changes; and swine regulations.

Additional information may be obtained from Jo Anne Conner, 1020 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-4111.

Filed: December 27, 1978, 11:18 a.m.

Doc. No. 788431

## Board of Examiners in the Basic Sciences

**Friday, January 19, 1979, 7:30 p.m., and Saturday, January 20, 1979, 8 a.m.** The Board of Examiners in the Basic Sciences will meet in Suite 105, Building H, 5555 North Lamar, Austin, to consider the following items, as summarized: attorney general's opinion H-1110 and determination of status of chiropractic applications; update on budget and appropriation proposals and other legislative matters; report of the executive secretary; and applications for certification by waiver and reciprocity.

Additional information may be obtained from Betty J. Anderson, Suite 105, Building H, 5555 North Lamar, Austin, Texas 78751, telephone (512) 458-1397.

Filed: December 27, 1978, 9:35 a.m.

Doc. No. 788427

## State Depository Board

**Tuesday, January 9, 1979, 10:30 a.m.** The State Depository Board will meet in the office of the state treasurer, Lyndon B. Johnson Building, 111 East 17th Street, Austin, to consider applications for designation as state depositories as made by the following banks: The Delta Bank, Cooper; Mercantile Bank of Fort Worth; The Standard Bank, Houston; Ingram State Bank, Ingram; National Bank of Commerce, Kerrville; Metro Bank, Midland; The First National Bank, Mount Calm; and Schwertner State Bank, Schwertner. The board will also consider any other applications received prior to the meeting date. Interest rates that are charged on time account deposits will also be reviewed.

Additional information may be obtained from Warren G. Harding, P.O. Box 12608, Austin, Texas 78711, telephone (512) 475-2591.

Filed: December 28, 1978, 9:18 a.m.

Doc. No. 788455

## Firemen's Pension Commissioner

**Monday, January 8, 1979, 8:30 a.m.** The Firemen's Pension Commissioner will conduct a meeting at Missouri City Fire Station No. 1, 1523 FM Road 2234, Missouri City. As summarized, a workshop will be held for the volunteer fire departments participating in the pension system (HB 258) and for volunteer firefighters. Topics on the agenda will include subjects related to the pension system as well as actuarial services, public relations, and open panel discussions. The speakers will include officials from both the state and local levels. Invitations will be mailed out to the Pension Board secretaries as well as the fire chiefs of the participating cities in this immediate area.

Additional information may be obtained from Bill Stefka, 503F Sam Houston Building, Austin, Texas 78701, telephone (512) 475-5879.

Filed: December 27, 1978, 3:43 p.m.  
Doc. No. 788440

**Wednesday, January 10, 1979, 8:30 a.m.** The Firemen's Pension Commissioner will conduct a meeting in Room 503G, Sam Houston Building, 14th and San Jacinto, Austin. As summarized, a workshop will be held for the volunteer fire departments participating in the pension system (HB 258) and for volunteer firefighters. Topics on the agenda will include subjects related to the pension system as well as actuarial services, public relations, and open panel discussions. The speakers will include officials from both the state and local levels. Invitations will be mailed out to the Pension Board secretaries as well as the fire chiefs of the participating cities in this immediate area.

Additional information may be obtained from Bill Stefka, 503F Sam Houston Building, Austin, Texas 78701, telephone (512) 475-5879.

Filed: December 27, 1978, 3:43 p.m.  
Doc. No. 788441

**Friday, January 12, 1979, 8:30 a.m.** The Firemen's Pension Commissioner will conduct a meeting at the Baker Hotel, Commerce and Akard Streets, Dallas. As summarized, a workshop will be held for the volunteer fire departments participating in the pension system (HB 258) and for volunteer firefighters. Topics on the agenda will include subjects related to the pension system as well as actuarial services, public relations, and open panel discussions. The speakers will include officials from both the state and local levels. Invitations will be mailed out to the Pension Board secretaries as well as the fire chiefs of the participating cities in this immediate area.

Additional information may be obtained from Bill Stefka, 503F Sam Houston Building, Austin, Texas 78701, telephone (512) 475-5879.

Filed: December 27, 1978, 3:43 p.m.  
Doc. No. 788442

**Wednesday, January 24, 1979, 8:30 a.m.** The Firemen's Pension Commissioner will conduct a meeting at the Midland Hilton, Wall and Loraine Streets, Midland. As summarized, a workshop will be held for the fully paid fire departments participating in the pension system (HB 258) and for paid firefighters in those departments. Topics on the agenda will include subjects related to the pension system as well as actuarial services, public relations, and open panel discussions. The speakers will include officials from both the state and local levels. Invitations will be mailed out to the Pension Board secretaries as well as the fire chiefs of the participating cities in this immediate area.

Additional information may be obtained from Bill Stefka, 503F Sam Houston Building, Austin, Texas 78701, telephone (512) 475-5879.

Filed: December 27, 1978, 3:43 p.m.  
Doc. No. 788443

**Tuesday, January 30, 1979, 8:30 a.m.** The Firemen's Pension Commissioner will conduct a meeting in City Hall, 402 South Ohio Street, Mercedes. As summarized, a workshop will be held for the volunteer fire departments participating in the pension system (HB 258) and for volunteer firefighters. Topics on the agenda will include subjects related to the pension system as well as actuarial services, public relations, and open panel discussions. The speakers will include officials from both the state and local levels. Invitations will be mailed out to the Pension Board secretaries as well as the fire chiefs of the participating cities in this immediate area.

Additional information may be obtained from Bill Stefka, 503F Sam Houston Building, Austin, Texas 78701, telephone (512) 475-5879.

Filed: December 27, 1978, 3:43 p.m.  
Doc. No. 788444

## Texas Department of Health

**Friday, January 12, 1979, 10 a.m.** The Sanitarian Advisory Committee of the Texas Department of Health will meet in the seventh floor conference room, Tower Building, 1100 West 49th Street, Austin, to consider the following items, as summarized: review of application for professional sanitarian for educational qualification under old rules and regulations; review of application for professional sanitarian for educational qualifications under current rules and regulations; review of application for professional sanitarian for experience qualifications; review of pending routine applications; and progress report.

Additional information may be obtained from C. K. Foster, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7533.

Filed: December 21, 1978, 3:57 p.m.  
Doc. No. 788400

**Sunday, January 14, 1979, 9:30 a.m.** The Title XIX Adult Denture Program Advisory and Review Committee of the Texas Department of Health will meet in Room G-107, 1100 West 49th Street, Austin, to consider the following items, as summarized: report on status of Denture Program; clarification of Article 17 of Advisory Committee manual, "Attendance"; and budget report.



Additional information may be obtained from Dr. H. O. Simmons, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7635.

Filed: December 27, 1978, 9:34 a.m.  
Doc. No. 788428

## Texas Health Facilities Commission

**Thursday, January 11, 1979, 10 a.m.** The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. The commission will consider the following applications:

- Colonial Hospital, Terrell—certificate of need
- Bethania Hospital, Wichita Falls—certificate of need
- Metropolitan General Hospital, San Antonio—certificate of need
- Barrio Comprehensive Child Health Care Center, San Antonio—certificate of need
- Jarvis Heights Nursing Center, Fort Worth—certificate of need
- Permian Basin Dialysis Center Association, Odessa—certificate of need
- Acres Home Health Center, Houston—certificate of need
- Scott and White Memorial Hospital, Temple—certificate of need
- St. Luke's Episcopal/Texas Children's Hospitals, Houston—certificate of need
- Bexar County Hospital, San Antonio—certificate of need
- Hotel Dieu Hospital and Medical Center—certificate of need
- Big Sky Ranch, Abilene—certificate of need
- Hico City Hospital, Hico—petition for reissuance of certificate of need
- John Buist Chester Hospital, Dallas—exemption certificate
- Home Health Services of Dallas, Inc., Dallas—exemption certificate
- Maple Plaza Health Clinic, Dallas—exemption certificate
- North Dallas Health Clinic, Dallas—exemption certificate
- Lancaster-Kiest Family Planning Center, Dallas—exemption certificate
- Bexar County Hospital District, San Antonio—exemption certificate
- Baptist General Convention of Texas, doing business as Hendrick Medical Center, Dallas—exemption certificate
- Huth Memorial Hospital, Inc., Yoakum—exemption certificate

In addition, the commission will conduct a routine business meeting at this time.

Additional information may be obtained from Dan R. McNery, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: December 27, 1978, 3:43 p.m.  
Doc. No. 788435

## State Board of Insurance

**Wednesday, January 3, 1979, 10 a.m.** The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to make a decision on workers' compensation hearing agenda items and to consider scheduling of new hearing on Item 8 of the workers' compensation hearing agenda.

Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: December 22, 1978, 9:12 a.m.  
Doc. No. 788405

**Wednesday, March 14, 1979, 10 a.m.** The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, with the executive board of the State Firemen's and Fire Marshals' Association of Texas.

Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: December 22, 1978, 9:12 a.m.  
Doc. No. 788406

## Texas Advisory Commission on Intergovernmental Relations

**Friday, January 12, 1979, 8:30 a.m.** The Committee on Alternative Sources of Revenue for Local Governments of the Texas Advisory Commission on Intergovernmental Relations will meet in Room 119, Stephen F. Austin Building, 1700 North Congress, Austin, to review activities relating to a report on implementation of certain parts of the Tax Relief Amendment and staff research on county government non-tax revenues, as summarized in the agenda.

Additional information may be obtained from David Spurgin, Room 622, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-3728.

Filed: December 27, 1978, 3:43 p.m.  
Doc. No. 788438

**Friday, January 12, 1979, 9:30 a.m.** The Texas Advisory Commission on Intergovernmental Relations will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, to consider the following items, as summarized: executive director's report; comments from and discussion with special guests knowledgeable about the potential impact of HJR 1 or related financial issues; staff information reports on Alternative Sources Project, HJR 1, and survey of tax assessor-collectors; work program development; and appointment of committee for EMS project.

Additional information may be obtained from Jay G. Stanford, Room 622, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-3728.

Filed: December 27, 1978, 3:43 p.m.  
Doc. No. 788439

## State Board of Morticians

**Thursday, January 11, 1979, 9 a.m.** The State Board of Morticians will meet at 1513 South Interstate Highway 35, Austin, to consider the following items, as summarized: reports by field representatives on several complaints; report by Mr. McCammon on status of William J. Hathaway case; proposed legislation; informal hearing on complaint against Theodore Oliver and Charlene Gibson of the Ashford-Oliver Mortuary, Navasota; report by Mr. McCammon on complaints received since the December 13, 1978, meeting; and management letter (executive session).

Additional information may be obtained from James W. McCammon, 1513 South Interstate Highway 35, Austin, Texas 78741, telephone (512) 442-6721.

Filed December 22, 1978, 11:26 a.m.  
Doc. No. 788413

## Pan American University

**Tuesday, January 9, 1979, 9 a.m.** The Committee on Rules of Procedures and Policies of Pan American University's Board of Regents will meet in the conference room, Administration Building, Edinburg, to consider revisions in the faculty handbook.

Additional information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, telephone (512) 381-2101.

Filed December 22, 1978, 1:38 p.m.  
Doc. No. 788418

**Tuesday, January 9, 1979, 9:30 a.m.** The Buildings and Grounds Committee of the Pan American University's Board of Regents will meet in the conference room, Administration Building, Edinburg, to consider acquisition of real property in executive session, as authorized by Section 2f, Article 6252-17, Vernon's Annotated Texas Statutes.

Additional information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, telephone (512) 381-2101.

Filed December 22, 1978, 1:38 p.m.  
Doc. No. 788419

**Tuesday, January 9, 1979, 10:30 a.m.** The Academic and Developmental Affairs Committee of the Pan American University's Board of Regents will meet in the conference room, Administration Building, Edinburg, to consider employment of personnel in executive session, as authorized by Section 2g, Article 6252-17, Vernon's Annotated Texas Statutes.

Additional information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, telephone (512) 381-2101.

Filed: December 22, 1978, 1:38 p.m.  
Doc. No. 788420

**Tuesday, January 9, 1979, 11 a.m.** The Board of Regents of Pan American University will meet in the conference room, Administration Building, Edinburg, to consider reports from the Grievance Committee, Buildings and Grounds Committee, Academic and Developmental Affairs Committee, and Rules of Procedures and Policies Committee.

Additional information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, telephone (512) 381-2101.

Filed: December 22, 1978, 1:38 p.m.  
Doc. No. 788421

## Board of Pardons and Paroles

**Monday through Friday, January 8-12, 1979, 9 a.m. daily.** The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. As summarized, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole and procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by the agency; and take action upon gubernatorial directives.

Additional information may be obtained from Ken Casner, Room 711, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: December 27, 1978, 3:43 p.m.  
Doc. No. 788445

**Wednesday, January 10, 1979, 9 a.m.** The Board of Pardons and Paroles will meet in the Diagnostic Unit, Texas Department of Corrections, Huntsville. A parole panel, consisting of members of the Board of Pardons and Paroles and members of the Texas Parole Commission, will conduct parole violation hearings.

Additional information may be obtained from Ken Casner, Room 711, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: December 27, 1978, 3:43 p.m.  
Doc. No. 788446

## Texas Parks and Wildlife Department

**Thursday, February 15, 1979, 7:30 p.m.** The Parks Division of the Texas Parks and Wildlife Department will meet in the Restaurant of the Mary Moody Northern Amphitheater, Galveston Island State Park, Galveston, to consider proposed improvements at Galveston Island State Park, Galveston County, as summarized: additional parking for the beach unit and the headquarters area; additional pedestrian boardwalks over the dunes; restrooms; group picnic facility; and boat launching facility.

Additional information may be obtained from Harold D. Toy, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4995.

Filed: December 27, 1978, 9:35 a.m.  
Doc. No. 788426

## Texas Pork Producers Board

**Wednesday, January 6, 1979, noon.** The Texas Pork Producers Board will meet in the Castillian Room, Chariot Inn, 7300 Interstate Highway 35, Austin, to consider the following items: treasurer's report; Research Committee report; public relation report; Education Committee report; Promotion Committee report; and setting of time and location of next meeting.

Additional information may be obtained from Floyd Borchardt, 8330 Burnet Road, Austin, Texas 78578, telephone (512) 453-0615.

Filed: December 21, 1978, 4:49 p.m.  
Doc. No. 788401

## Proprietary School Advisory Commission

**Tuesday, January 9, 1979, 10 a.m.** The Proprietary School Advisory Commission of the Texas Education Agency will meet in the fourth floor auditorium, TRS Building, 1001 Trinity, Austin, to consider the following items: proposed change to rule regarding financial statements to include gross tuition receipts; report on proprietary schools which have closed owing tuition refunds to former students; and other business.

Additional information may be obtained from Janice Boyd, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-2246.

Filed: December 28, 1978, 11:06 a.m.  
Doc. No. 788457

## Board of Registration for Public Surveyors

**Monday, January 15, 1979, 8 a.m.** The Board of Registration for Public Surveyors will meet in Suite H-109, 5555 North Lamar, Austin, to consider the following items, as summarized: review of new applications; reconsideration of applicants who were not approved previously to take the examination; examination material; and correspondence for the board's consideration.

Additional information may be obtained from the State Board of Registration for Public Surveyors, Suite H-109, 5555 North Lamar, Austin, Texas 78751, telephone (512) 452-9427.

Filed: December 28, 1978, 11:24 a.m.  
Doc. No. 788452

## Public Utility Commission of Texas

**Monday, January 8, 1979, 9 a.m.** The Public Utility Commission of Texas will conduct a prehearing conference in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding applications of United, Garrison, Wise County, Mid-State, and Clifton Telephone Companies for rate increases within their Texas service areas (Docket Nos. 2320-2324), as summarized in the agenda.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: December 27, 1978, 9:35 a.m.  
Doc. No. 788425

**Monday, January 29, 1979, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding an application of Sage Water Company to amend certificate of convenience and necessity within Dallas County (Docket No. 2192), as summarized in the agenda.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: December 22, 1978, 9:12 a.m.  
Doc. No. 788403

**Tuesday, February 13, 1979, 9:30 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to conduct a prehearing and a hearing on Docket Numbers 1794 and 764, as summarized: complaint of John Trotter, et al., v. View Caps Water Supply Corporation; and application of Steamboat Mountain Water Supply Corporation for certificate of convenience and necessity.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: December 22, 1978, 9:12 a.m.  
Doc. No. 788404

**Friday, February 16, 1979, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding a petition of Coleman County Electric Cooperative, Inc., for authority to change rates in Coleman, Runnels and Concho Counties (Docket No. 2293), as summarized in the agenda.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: December 27, 1978, 3:43 p.m.  
Doc. No. 788448

**Wednesday, February 21, 1979, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding an application of Waterco Inc. (formerly Sterling Island Water Company) for a rate increase within Walker County (Docket No. 2234), as summarized in the agenda.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: December 27, 1978, 3:43 p.m.  
Doc. No. 788449

**Monday, March 12, 1979, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding an appeal of Pedernales Electric Cooperative, Inc., from rates set by the City of Marble Falls (Docket No. 2247), as summarized in the agenda.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: December 27, 1978, 3:43 p.m.  
Doc. No. 788447

## Railroad Commission of Texas

**Friday, December 22, 1978, 9 a.m.** The Gas Utilities Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. As summarized, the commission considered Gas Utilities Dockets 2765 and 1558 consolidated.

Additional information may be obtained from Joy Wood, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-2747.

Filed: December 21, 1978, 2:45 p.m.  
Doc. No. 788384

**Friday, December 22, 1978, 9 a.m.** The Transportation Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the 10th floor conference room, Ernest O. Thompson Building, 10th and Colorado Streets, Austin. As summarized, the commission considered requests from Central Texas Bus Lines, Inc., and Texas Motor Coaches, Inc., for temporary motor bus charter authority from Plano. The commission had received information that all currently authorized charter buses were already booked. Given the crowded nature of the highways during the holidays and the energy benefits of mass transportation, it was imperative that this matter be considered on an emergency basis.

Additional information may be obtained from John G. Soule, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-4738.

Filed: December 21, 1978, 3:12 p.m.  
Doc. No. 788398

**Wednesday, January 3, 1978, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin, to consider the following items, as summarized: establishing a pooled unit, plant effluent disposal permit, classify oil operation only as a salvage operation, rescinding 1950 rules adopted in a special order, special allowable, Rule 37 cases, proper plugging, exception to SWR 10, adoption of net gas-oil ratio rule, amend field rules, gas field rules, adoption of field rules, determination of effectiveness of temporary field rules, review and adoption of temporary field rules, exception to SWR 23, exceptions to SWR 14(B)(2), SWR 11, SWR 8(c); change of reporting requirements of wells in federal waters offshore Texas; and director's report. An executive session will also be conducted.

Additional information may be obtained from Jan Burris, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-3003.

Filed: December 22, 1978, 9:47 a.m.  
Doc. No. 788410

**Wednesday, January 3, 1978, 9 a.m.** The Transportation Division of the Railroad Commission of Texas will meet in the 10th floor conference room, Ernest O. Thompson Building, 10th and Colorado Streets, Austin, to consider applications as summarized: for rail rate, to amend authority, for motor brokers license, to consolidate authority, for new authority, to change name, for reinstatement, to renew a motor brokers license, to sell authority, for bus schedule change, and for voluntary suspension.

Additional information may be obtained from John G. Soule, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-4738.

Filed: December 22, 1978, 9:47 a.m.  
Doc. No. 788409

## Texas Real Estate Research Center

**Monday, January 8, 1979, 10 a.m.** The Advisory Committee of the Texas Real Estate Research Center will meet at the Marriott Motel-Austin, 6121 Interstate Highway 35 North, Austin, to conduct a general meeting and to hear reports on the Research, Education, and Communications Divisions, as summarized in the agenda.

Additional information may be obtained from Alvin B. Wooten, Texas Real Estate Research Center, Texas A&M University, College Station, Texas 77844, telephone (713) 845-2031

Filed: December 22, 1978, 1:38 p.m.  
Doc. No. 788417

## Records Preservation Advisory Committee

**Thursday, December 28, 1978, 2 p.m.** The Records Preservation Advisory Committee met in emergency session in Room 205A, Lorenzo De Zavala Archives Building, Austin, to consider the following items: 1980-1981 budget; construction of additional space for the Records Management Division; and other necessary business.

Additional information may be obtained from Jimmy Hausenfluke, 1201 Brazos, Austin, Texas 78701, telephone (512) 475-6652.

Filed: December 20, 1978, 11:40 a.m.  
Doc. No. 788414

## Advisory Council for Technical-Vocational Education in Texas

**Thursday, January 18, 1979, 10 a.m. until 3 p.m.** The Adult Education/Special Services Committee of the Advisory Council for Technical-Vocational Education in Texas will meet in the conference room, fourth floor, Riverside Square South, 158 East Riverside Drive, Austin, to consider the following items: review of background information on committee assignments; determination of priority areas to address in 1979; development of a tentative Program of Work for 1979; receipt of an update on new legislation for adult education; and review of the 1980 State Plan for Adult Education.

Additional information may be obtained from Valeria Blaschke, Suite 604, 815 Brazos, P.O. Box 1886, Austin, Texas 78711, telephone (512) 475-2046.

Filed: December 28, 1978, 9:02 a.m.  
Doc. No. 788453

**Friday, January 19, 1979, 10 a.m.** The Industry/Education Committee of the Advisory Council for Technical-Vocational Education in Texas will meet in Suite 604, 815 Brazos, Austin, to review the committee's responsibilities and to make plans for the 1979 Program of Work and Activities.

Additional information may be obtained from Valeria Blaschke, Suite 604, 815 Brazos, P.O. Box 1886, Austin, Texas 78711, telephone (512) 475-2046.

Filed: December 28, 1978, 9:02 a.m.  
Doc. No. 788454

## Texas Southern University

**Thursday, January 4, 1979, 10 a.m.** The Board of Regents of Texas Southern University will meet in the conference room, Room 117, Hannah Hall, 3201 Wheeler, Houston, to consider fiscal reports from the administration and to approve short term investments as recommended by the Finance Committee, as summarized in the agenda.

Additional information may be obtained from Everett O. Bell, 3201 Wheeler, Houston, Texas 77004, telephone (713) 529-8911.

Filed: December 22, 1978, 10:59 a.m.  
Doc. No. 788412

## Veterans Affairs Commission

**Friday, January 26, 1979, 2 p.m.** The Veterans Affairs Commission will meet at 321 Sam Houston Building, 201 East 14th Street, Austin, to consider reports on activities of the commission and to make decisions relative to general administrative matters pertaining to Texas' veterans counseling and assistance program.

Additional information may be obtained from Aubrey L. Bullard, P.O. Box 12277, Austin, Texas 78711, telephone (512) 475-4185.

Filed: December 21, 1978, 3:57 p.m.  
Doc. No. 788396

## Texas Water Commission

**Friday, December 22, 1978, 9 a.m.** The Texas Water Commission met in emergency session in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by Harris County Water Control and Improvement District No. 132 for use of surplus funds, as summarized in the agenda.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: December 21, 1978, 3:14 p.m.  
Doc. No. 788397

**Tuesday, January 2, 1979, 10 a.m.** The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider the following items, as summarized: applications for district bond issues; amendments to bond issues; release from escrow; use of surplus funds; change in plans; examiner's proposals for decision on water quality matters; amendments to water quality permits; voluntary suspension and cancellation of water quality permits; final decision on water rights permits; motion for rehearing; contractual permit applications; approval of plans and specifications; levee project; extension of time applications, and setting of hearing dates on applications.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: December 22, 1978, 1:58 p.m.  
Doc. No. 788422

**Monday, January 8, 1979, 1 p.m., and Tuesday through Friday, January 9-11, 1979, 9 a.m. daily.** The Texas Water Commission will meet in the main auditorium, Civic Center, 400 East Main, Uvalde, to conduct adjudication hearings on the Upper Neches Segment, Nueces River Basin, as summarized in the agenda.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: December 27, 1978, 3:43 p.m.  
Doc. No. 788436

**Friday, January 26, 1979, 10 a.m.** The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, to conduct a hearing regarding Application No. 3951 by the Texas Parks and Wildlife Department. As summarized, the applicant seeks a permit to maintain 10 existing wildlife reservoirs, three of which are on unnamed tributaries of Big Creek, tributary Brazos River, Brazos River Basin, and seven of which are off-channel reservoirs and impound therein not to exceed 696 acre-feet of water for recreational purposes in Fort Bend County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: December 21, 1978, 3:57 p.m.  
Doc. No. 788399

**Monday, February 26, 1979, 1 p.m., and Tuesday through Friday, February 27-March 2, 1979, 9 a.m. daily.** The Texas Water Commission will meet in the district courtroom, County Courthouse, Carrizo Springs, to conduct adjudication hearings on the Upper Neches Segment, Nueces River Basin, as summarized in the agenda.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: December 27, 1978, 3:43 p.m.  
Doc. No. 788437

## Regional Agencies

### Meetings Filed December 22, 1978

**The Amarillo MH/MR Regional Center**, Executive Committee of the Board of Trustees, met in the Psychiatric Pavilion, 7201 Evans Street, Amarillo, on December 28, 1978, at 11:30 a.m. Further information may be obtained from Don Pipes, P.O. Box 3250, Amarillo, Texas 79106, telephone (806) 353-7235.

**The East Texas CETA Consortium**, Board of Directors, met in emergency session in the Blue Room, Allied Citizens Bank Building, Kilgore, on December 26, 1978, at 2 p.m. Further information may be obtained from Don R. Edmonds, fifth floor, Citizens Bank Building, Kilgore, telephone (214) 984-8641.

**The Northeast Texas Health Systems Agency**, Executive Committee, will meet at the Marshall Civic Center, 2501 East End Boulevard South, Marshall, on January 2, 1979, at 7 p.m. Further information may be obtained from Bayard S. Galbraith, Suite 201, 505 East Travis, Marshall, Texas 75670, telephone (214) 938-8831.

**The Upper Leon River Municipal Water District**, Board of Directors, met in the general office of the Filter Plant, Proctor Lake, Comanche, on December 28, 1978, at 7 p.m. Further information may be obtained from Lowell G. Pittman, Box 67, Comanche, Texas, telephone (817) 879-2258.

Doc. No. 788411

### Meetings Filed December 27, 1978

**The South Texas Health Systems Agency**, Coastal Bend Subarea Health Advisory Council, will meet at the Greenwood Senior Community Center, 4040 Greenwood Road, Corpus Christi, on January 3, 1979, at 7:30 p.m. Further information may be obtained from Douglas Wilkey, Texas A&I University, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

Doc. No. 788433

### Meetings Filed December 28, 1978

**The Alamo Area Council of Governments**, Executive Committee, will meet at 532 Three Americas Building, San Antonio, on January 10, 1979, at 1:30 p.m. Further information may be obtained from Al J. Notzon III, 400 Three Americas Building, San Antonio, Texas 78205, telephone (512) 225-5201.

**The Austin-Travis County MH/MR Center**, Board of Trustees, met in emergency session at the Volunteer Services Center, Austin State Hospital, on December 28, 1978, at 7 p.m. Further information may be obtained from Dan Dierschke, 1430 Collier, Austin, Texas, telephone (512) 447-4141.

**The Bexar-Medina-Atascosa Counties Water Improvement District No. 1**, Board of Directors, will meet at the district office, Natalia, on January 2, 1979, at 10 a.m. Further information may be obtained from Clifford Mueller, P.O. Box 180, Natalia, Texas 78059, telephone (512) 663-2132.

**The Central Counties Center for MH/MR**, Board of Trustees, will meet at 302 South 22nd, Temple, on January 9, 1979, at 6 p.m. Further information may be obtained from Dr. Steven Schnee, P.O. Box 1025, Temple, Texas 76501, telephone (817) 778-4841.

Doc. No 788456

## 66th Legislature Legislative Report

The Texas House of Representatives and Senate began pre-filing bills on November 13, 1978, for introduction in the 66th Legislative Session. These proposals will be referred to committees after the session convenes on January 9, 1979.

This report will focus on prefiled bills and resolutions which, if passed, will have a major impact on issues of concern to citizens on a statewide basis. Organized according to content, the coverage includes legislation regarding energy, environment, education, human services (health and welfare), insurance, economic development, taxes, criminal justice, state and local government, elections, constitutional revision, and consumer affairs.

### Environment

HB 173 makes the hunting or trapping of golden eagles or Mexican brown eagles illegal.

### Education

Two proposed constitutional amendments deal with funds for institutions of higher learning. SJR 15 repeals the 10-cent state ad valorem tax which is used for permanent improvements at institutions of higher education. HJR 24 proposes to abolish the Permanent University Fund.

### Human Services

Additional bills have been prefiled relating to employment. HB 22 calls for the creation of the Human Relations Division of the Department of Labor and Standards. Mentioned in a previous legislative report, HB 120, HB 122, HB 123, and HB 137 also propose action to prevent discrimination against individuals because of race, color, religion, sex, age, or national origin. HB 227 creates the Agricultural Labor Relations Board to deal with labor disputes between farmworkers and farm owners. SB 61 prohibits membership in, or payment to, a labor organization as a condition of employment, and forbids an employer to discriminate against an individual because of membership or nonmembership in, or payment or nonpayment to, a labor organization.

HB 219 adds grocery stores, nursing homes, and retail establishments to public places where smoking is prohibited.

### Taxes

Proposed tax measures continue to be prefiled. SB 58 and HB 240 relate to the valuation of open space land. SB 58 deals with land used for farm crops or livestock; HB 240 refers to land used for livestock, farm crops, forest products, or certain purposes for colleges or universities. HB 204 requires reappraised values on real property to be used only when all real property in the political subdivision has been reappraised. HJR 20 increases the minimum ad valorem tax exemption on residence homesteads of elderly persons from \$3,000 to \$7,000. HJR 23 (like SJR 2) proposes a constitutional amendment making a new or increased state or local tax null

and void two years after enactment unless approved by the voters.

### Criminal Justice

Three prefiled bills relate to compensation for victims or survivors of victims of certain crimes. HB 244 states the obligations and liability of parents and others for the conduct of certain children and the authority of justice courts to make orders for the payment of certain fees and for the welfare of children. HB 203 provides for compensation by the state to victims of certain crimes. As in SB 21, funding for this compensation will result from an extra five-dollar court charge to be paid by convicted individuals. HB 175 allows a parent or spouse to recover damages in addition to actual damages for the wrongful death of a child or a spouse.

### State and Local Government

Regarding local governments, HB 234 extends the jurisdiction of justice courts and small claims courts to matters involving \$1,000, rather than \$200. HB 233 (similar to HB 54) creates the Texas local parks, recreation, and open space fund, providing assistance to localities for recreational areas.

### Elections

HB 220 provides for primary elections and the method of selecting delegates to national nominating conventions by political parties holding presidential primaries. As mentioned in previous reports, SB 30, SB 20, SB 37, and HB 114 also relate to primary elections.

### Constitutional Revision

SJR 14 and HJR 22 propose a constitutional amendment guaranteeing the "right to work" for an employee without regard to whether the person is a member of, or makes a payment to, a labor organization. Other "right-to-work" measures are mentioned in the Human Services section of this report.

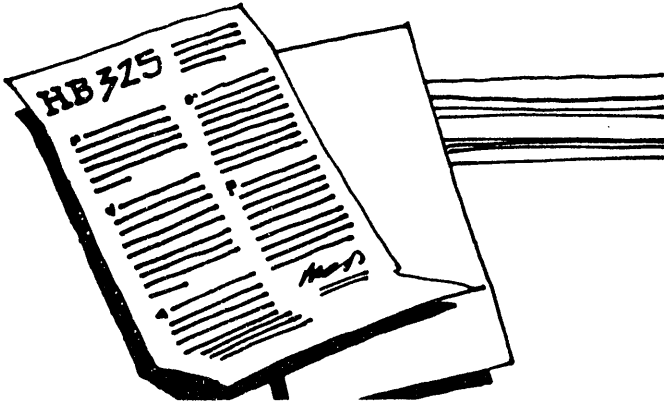
Church property and activities are the topic of two prefiled resolutions. HJR 25 proposes a constitutional amendment authorizing the legislature to exempt from property taxes certain motor vehicles owned by a church or religious organization. HJR 21 authorizes bingo games if conducted by certain church, synagogue, religious, or nonprofit organizations.

### Consumer Affairs

HB 14, HB 81, HB 84, and HB 112 have been mentioned in previous legislative reports dealing with responsibilities of landlords and tenants. Two more bills dealing with these responsibilities include HB 215, requiring that a warranty of habitability be implied in every lease or rental agreement of a residential unit, and HB 188 (similar to HB 81), requiring a landlord to maintain heating and air conditioning units in good condition and to exterminate pests.

In response to rising interest rates, HB 217 establishes a maximum interest rate of 11.5 percent per year for loans made after the bill's effective date and before January 1, 1980.





## Legislative Information System of Texas

The Texas Senate and House of Representatives are providing information on the activities of the 66th Legislature through a toll-free statewide WATS line to the Legislative Information System of Texas (LIST).

Information available includes bill status, schedules and agendas of committee meetings and hearings, and lists of bills by author, committee, and subject.

The LIST statewide toll-free telephone number is **1-800-252-9693** for calls from outside the Austin area. For calls originating in Austin, the telephone number is (512) 475-3026.

## MANUFACTURING



## Texas Air Control Board

### Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received December 11-15, 1978.

Information relative to these applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the Central Office of the Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758.

A copy of all material submitted by the applicant is available for public inspection at the Central Office of the Texas Air Control Board at the address stated above and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

### Week Ending December 15, 1978

Quikrete of Texas, Irving; packaging cement mixes; 324 North Nursery Road; C-433B; modification

Cloud Corporation, Pawelekville; Cedar Rapids jaw crusher; C-7214; new source

ARCO Polymers, Inc., Port Arthur; ethylene dichloride unit; C-7213; new source

The Permian Corp., Bryan; crude oil storage tank; one-half mile north of FM 974; C-6311A; new source

Austin Paving Co., Irving; concrete batching plant; C-7212; new source

Trotti & Thomson Co., a Division of Ashland-Warren, Warren; pugmill-mixing ironore and cement; C-7207; new source

Delhi Gas Pipeline Corp., Athens; triethylene glycol dehydrator; tri-cities station; C-7206; new source

American Coldset Corp., Addison; diamond bit manufacturing factory; 15879 Midway Road; C-7205

Kelly-Moore Paint Co., Inc., Hurst; solvent recovery system; 301 West Hurst Boulevard; C-7204; new source

Union Oil Co. of California, Encinal; gas sweetening plant; C-5877A

AMOCO Chemicals Corp., Alvin; No. 2 olefins facilities boiler; Chocolate Bayou; C-2798B; modification

Southwest Dairy, Inc., Mission; feed mill; 6-1/2 N. Trospen; C-7202; new source

Southwest Dairy, Inc., Mission; dairy feedlot; 6-1/2 N. Trospen; C-7203; new source

Mobil Oil Corp., Beaumont; petroleum storage tank; Burt Street; C-7208; new source

Edwin A Durham II, doing business as Everest Exploration Co., Hobson; in-situ uranium mining operation; C-7209; new source

Otis Engineering Corp., Carrollton; steel grist blasting; 1000 West Crosby Road; C-7211; new source

Jackson Brothers Concrete, Inc., Wylie; ready mix concrete plant, Highway 205 at Highway 78; C-1175A

Phillips Petroleum Co., Pasadena; LPG unloading facility; Jefferson Street and State Highway 225—Adams Terminal; C-7210; new source

Issued in Austin, Texas, on December 21, 1978.

Doc. No. 788407      John B. Turney  
Hearing Examiner  
Texas Air Control Board

Filed: December 22, 1978, 9:44 a.m.

For further information, please call (512) 451-5711.

## Bexar-Medina-Atascosa Counties Water Improvement District No. 1

### Notice of Election

The Bexar-Medina-Atascosa Counties Water Improvement District No. 1 will hold an election for two directors on Saturday, January 20, 1979, from 7 a.m. to 7 p.m. The polling place of Voting Precinct No. 1, consisting of all the district territory in Bexar and Atascosa Counties, shall be the office of Atascosa Rural Water Supply, Inc., at 10882 Jarrett Road. The voting place of Voting Precinct No. 2, consisting of all the

district territory in Medina County, shall be the Cabin at Chicon Lake.

Issued in Austin, Texas, on December 20, 1978.

Doc. No. 788432      Carl Mueller  
President, Board of Directors  
Bexar-Medina-Atascosa Counties  
Water Improvement District No. 1

Filed: December 27, 1978, 11:46 a.m.

For further information, please call (512) 663-2132.

## Texas Energy Advisory Council

### Correction of Error

The Texas Energy Advisory Council's Policy Position on Selected Energy Issues: 1978 Update, published in the December 26, 1978, issue of the *Texas Register* (3 TexReg 4524), contained two errors. On page 4533, the last four lines of the final paragraph in the section on "Production and Pricing of Crude Oil and Refined Products" should have been deleted, so that the paragraph should have read: "It is also recommended that in lieu of a crude oil equalization tax or continuation of wellhead price controls and the entitlements program, free market conditions be allowed to prevail." On page 4536, the last 3-1/2 lines of the final paragraph in the section on "Federal Energy Taxation" should have been deleted, so that the paragraph should have read: "It is therefore recommended that in lieu of a crude oil equalization tax or continuation of wellhead price controls and the entitlements program, free market conditions be allowed to prevail."

## Office of the Governor

### Office of Energy Resources

#### Meeting

The Governor's Office of Energy Resources will conduct an informational meeting on Friday, January 5, 1979, 9 a.m., in Room 1-110, the Joe E. Thompson Conference Center, University of Texas campus, regarding the National Energy Act grant program for schools, hospitals, local governments, and health care institutions. Interested agency and professional association personnel are invited to attend.

Additional information may be obtained from Duane Keeran (schools), John Carlson (hospitals), and Larry Morgan (local government and health care institutions), 7703 North Lamar Boulevard, Suite 502, Austin, Texas 78752, telephone (512) 475-5407.

Issued in Austin, Texas, on December 22, 1978.

Doc. No. 788416      David B. Marks  
Director  
Governor's Office of Energy Resources

Filed: December 22, 1978, 1:15 p.m.

For further information, please call (512) 475-5407.

## Texas Health Facilities Commission

### Notice of Applications

Notice is given by the Texas Health Facilities Commission of applications (including a general project description) for declaratory rulings, exemption certificates, or administrative orders accepted December 12-18, 1978.

Should any person wish to become a formal party to any application for a declaratory ruling, exemption certificate, or administrative order, that person must file a notice of intent to become a party to the application with the chairman of the commission within 12 days after the enclosed listing is published. The first day for calculating this 12-day period is the first calendar day following the dating of this publishing. The 12th day will expire at 5 p.m. on the 12th consecutive day after said publishing if the 12th day is a working day. If the 12th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. When notice of intent to become a party is mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, it must be postmarked no later than the day prior to the last day allowed for filing notice of intent to contest.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, or administrative order must meet the minimum criteria set out in Rule 315.20.01.050. Failure of a party to supply the minimum necessary information in the correct form by the 12th day will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02 or 3.03 of Article 4418(h), Vernon's Annotated Civil Statutes, and Rules 315.17.04.010-.070, 315.17.05.010-.030, 315.18.04.010-.040, and 315.18.05.010-.030.

In the following notice, the applicant is listed first, the file number second, and the relief sought and description third. EC indicates exemption certificate, DR indicates declaratory ruling, and AO indicates administrative order.

St. Luke's Episcopal Hospital, Houston  
AH78-1218-015

EC—Purchase of two fetal monitors for use in labor and delivery

Galveston County, doing business as Memorial Hospital of Galveston County, Texas City  
AH78-1218-010

EC—Acquire and operate an automatic clinical analyzer, refrigerator, autoregulating transformer, an accessory kit, and supplies for use in the clinical pathology laboratory

Tarrant County Hospital District, doing business as John Peter Smith Hospital, Fort Worth  
AH78-1218-020

EC—Renovation of three unused offices to accommodate an audiological testing room with testing equipment to be provided by a physician group

DeTar Hospital, Inc., doing business as DeTar Hospital,  
Victoria

AH75-0922-020E2 (121378)

DR—Request for second extension of completion deadline which would extend the present completion deadline of December 15, 1978, to July 1, 1979, in Declaratory Ruling AH75-0922-020, which authorizes renovation, expansion, and alterations to DeTar Hospital due to pre-act development of the project

The University of Texas Medical Branch, doing business as  
New Psychiatric Pavilion, Galveston

AH78-1213-001

EC—Construction of a 52,249 square foot replacement psychiatric hospital to meet Life Safety Code requirements

Hurst General Hospital, Hurst

AH78-1213-005

EC—Acquire and operate ultrasound diagnostic equipment

Doc No 788357

## Notice of Rescheduled Rehearing

The application of Care One, Inc., for Southview Nursing Center for a certificate of need to construct a 120-bed skilled nursing facility in Tyler, and the application of Clayton Terrace Manor, Inc., for a certificate of need to construct a 120-bed skilled nursing facility in Tyler are scheduled to be considered at a rescheduled rehearing on February 7, 1979, at 9 a.m., in the offices of the Texas Health Facilities Commission. Care One, Inc. (THFC File No. AN77-0315-007), is represented by Michael R. Sharp, P.O. Box 1588, Austin, Texas 78767. Clayton Terrace Manor, Inc. (THFC File No. AN77-0222-022), is represented by Edward G. Vaughn, Suite 200, First State Bank Building, P.O. Box 230, Uvalde, Texas 78801.

This hearing is being conducted pursuant to Order 266,173 of the 200th Judicial District Court of Travis County.

Issued in Austin, Texas, on December 20, 1978.

Doc. No 788358      Dan R. McNery  
General Counsel  
Texas Health Facilities Commission

Filed December 20, 1978, 4 47 p.m.

For further information, please call (512) 475-6940.

## Texas Legislative Council Property Tax Advisory Committee Public Meeting

The Property Tax Advisory Committee of the Texas Legislative Council will meet at 2 p.m. on January 4, 1979, in Conference Room E of the John H. Reagan State Office Building in Austin. The advisory committee will approve its final report on implementation of the "Tax Relief Amendment" and on other property tax reform issues.

The advisory committee will meet jointly with the Texas Legislative Council's Property Tax Study Committee on January

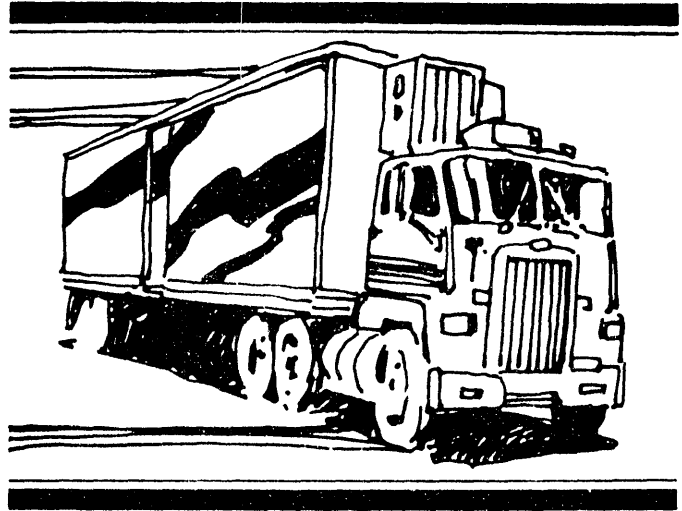
5, 1979, to present the report. The joint meeting will begin at 10 a.m. in Conference Room E of the John H. Reagan State Office Building.

Issued in Austin, Texas, on December 21, 1978.

Doc. No. 788370      Robert Taylor  
Research Associate  
Texas Legislative Council

Filed, December 21, 1978, 10 32 a.m.

For further information, please call (512) 475-2736.



## Railroad Commission of Texas Transportation Division State Rail Planning Meetings

The Railroad Commission of Texas, the agency designated by the governor to develop a state rail plan, will hold a series of regional meetings throughout the state. The purpose of these meetings will be to receive comments from the public on draft economic analyses of railroad line segments which have been designated for possible abandonment by railroad companies operating in Texas. These studies have been conducted by the Railroad Commission of Texas in accordance with federal guidelines under a grant from the Federal Railroad Administration, Department of Transportation.

Each analysis is the result of: (1) extensive interviews with rail users and community governments; (2) a compilation of regional and statewide economic data; and (3) statistics derived from railroad operating reports.

Affected communities and users of rail freight transportation will be provided an opportunity to correct errors of fact or interpretation which might appear in the drafts. The commission is also interested in errors of omission—facts that, if included, might change the results of a line segment analysis.

Each community which is located on a line segment being studied has a copy of the draft analysis for that particular line segment on file in the mayor's office for public review.

Additionally, copies of all line segment analyses are available for public inspection at the commission's Transportation Division, located at 611 South Congress, Austin, Texas.

The meetings have been scheduled for January 8 in the Committee Room of the First National Bank in Abilene; January 9 at the Lighthouse Electric Cooperative in Floydada; January 16 at the Spanish Trace Inn in Athens; January 17 at the First State Bank in Edinburg; January 17 at the City Hall Council Chambers in Mineral Wells; and January 18 at the Downtown Ramada Inn in Austin. All hearings are scheduled to begin at 7 p.m.

For further information and assistance, please contact Sherry Bryan or Ed Kasparik at (512) 475-3208.

Issued in Austin, Texas, on December 22, 1978.

Doc. No. 788408      John G. Soule, Director  
Transportation Division  
Railroad Commission of Texas

Filed: December 22, 1978, 9:47 a.m.

For further information, please call (512) 475-3207.

## School Land Board Correction of Error

Proposed Rule 135.18.04.019(a)(3) of the School Land Board, which appeared in the Proposed Rules section of the December 12, 1978, issue of the *Texas Register* (3 TexReg 4304) was published with one error. The second sentence of that paragraph should read: "The commissioner shall recognize the use of the procedures substantially set forth in the Texas Coastal Management Program, *Social and Economic Component, User's Manual* and *Ecological Systems Component, User's Manual*, Austin, September 15, 1978, which satisfy the criteria of Rule 019 as regards those impacts which the above-cited procedures are designed to address."